

FEDERAL REGISTER

VOLUME 25

NUMBER 69

Washington, Friday, April 8, 1960

Contents

Agricultural Marketing Service

- PROPOSED RULE MAKING:**
Raisins produced from raisin variety grapes grown in California; hearing on proposed amendments to marketing agreement and order----- 3037
- RULES AND REGULATIONS:**
Valencia oranges grown in Arizona and designated part of California; handling limitation--- 3021

Agriculture Department

See Agricultural Marketing Service; Commodity Stabilization Service.

Atomic Energy Commission

- NOTICES:**
Commonwealth Edison Co.; date for hearing----- 3052

Civil Aeronautics Board

- NOTICES:**
Hearings, etc.:
Allegheny Airlines, Inc.; proposed book-ticket fare and no-reservation fare----- 3047
Hawaiian common fares----- 3047
Northern Consolidated Airlines, Inc.; proposed fares----- 3047

Commerce Department

- See also Maritime Administration.
- NOTICES:**
McCarthy, Vern I., Jr.; changes in financial interests----- 3052

Commodity Stabilization Service

- RULES AND REGULATIONS:**
Rice acreage, 1959 and subsequent crops; final date for allocating producer allotments----- 3021

Federal Aviation Agency

- RULES AND REGULATIONS:**
Control area extension; modification----- 3023
Control zones:
Designation----- 3023
Modification----- 3023

Federal airways and associated control areas:

- Extension----- 3023
Modification----- 3022
VOR Federal airway; modification----- 3022

Federal Communications Commission

- NOTICES:**
VHF "boosters"; extension of grace period----- 3048
Hearings, etc.:
American Broadcasting-Paramount Theatres, Inc. (KABC-FM), and Tri-Counties Public Service, Inc. (KUDU-FM)--- 3047
WTTT, Inc. (WTTT), et al--- 3047

Federal Housing Administration

- RULES AND REGULATIONS:**
Cooperative housing insurance; eligibility requirements for project mortgage----- 3025

Federal Power Commission

- NOTICES:**
Hearings, etc.:
Hope Natural Gas Co----- 3048
Humble Oil & Refining Co. et al----- 3049
Hunt Oil Co. et al----- 3049
Idaho Power Co----- 3049
Interstate Power Co. et al----- 3051
Lehman, William H----- 3050
Ohio Oil Co. et al----- 3050
Sinclair Oil & Gas Co. et al----- 3049
Socony Mobil Oil Co., Inc., et al----- 3051
Texaco, Inc., et al----- 3051
Transcontinental Gas Pipe Line Corp. and Eastern Shore Natural Gas Co----- 3050

Federal Trade Commission

- RULES AND REGULATIONS:**
Commercial Distributors of America, Inc., et al.; prohibited trade practices----- 3024

Fish and Wildlife Service

- PROPOSED RULE MAKING:**
Migratory birds; miscellaneous amendments----- 3037

Food and Drug Administration

- PROPOSED RULE MAKING:**
Food additives; filing of petitions (4 documents)----- 3046
- RULES AND REGULATIONS:**
Food additives:
Extension of effective date of statute for certain specified additive----- 3024
Sodium lauryl sulfate; permitted addition to egg white products----- 3024

Health, Education, and Welfare Department

See Food and Drug Administration.

Housing and Home Finance Agency

See also Federal Housing Administration.

- NOTICES:**
Acting Director, Community Disposition Program; designation----- 3052

Interior Department

See Fish and Wildlife Service.

Interstate Commerce Commission

- NOTICES:**
Fourth section applications for relief----- 3052
Motor carrier transfer proceedings----- 3053
- RULES AND REGULATIONS:**
Certificates and permits; service within one airline mile of highways composing regular routes of a motor common carrier of passengers----- 3030
Freight rate schedules, motor contract carriers of property; and adoption notices and supplements, filing and posting----- 3031

Labor Department

- RULES AND REGULATIONS:**
Safety and health regulations; procedure for variations----- 3025

(Continued on next page)

Maritime Administration**RULES AND REGULATIONS:**

Vessel values for war risk insurance 3026

Securities and Exchange Commission**NOTICES:**

Arkansas Power & Light Co. and
Middle South Utilities, Inc.;
stock proposal 3051

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

7 CFR
730 3021
922 3021
PROPOSED RULES:
989 3037

14 CFR
600 (3 documents) 3022, 3023
601 (5 documents) 3022, 3023

16 CFR
13 3024

21 CFR
121 (2 documents) 3024
PROPOSED RULES:
121 (4 documents) 3046

24 CFR
241 3025

29 CFR
11 3025

46 CFR
309 3026

49 CFR
165a 3030
187 3031
189 3031

50 CFR
PROPOSED RULES:
6 3037

Announcement**CFR SUPPLEMENTS**

(As of January 1, 1960)

The following Supplements are now available:

Title 46, Parts 1-145 \$1.00
Title 47, Parts 1-29 1.00
Part 30 to End30

Previously announced: Title 3 (\$0.60); Titles 4-5 (\$1.00); Title 7, Parts 1-50 (\$0.45); Parts 51-52 (\$0.45); Parts 53-209 (\$0.40); Title 8 (\$0.40); Title 9 (\$0.35); Titles 10-13 (\$0.50); Title 18 (\$0.55); Title 20 (\$1.25); Titles 22-23 (\$0.45); Title 25 (\$0.45); Title 26 (1939), Parts 1-79 (\$0.40); Parts 80-169 (\$0.35); Parts 170-182 (\$0.35); Parts 300 to End (\$0.40); Title 26, Part 1 (§§ 1.01-1.499) (\$1.75); Parts 1 (§ 1.500 to End)-19 (\$2.25); Parts 20-169 (\$1.75); Parts 170-221 (\$2.25); Part 300 to End (\$1.25); Titles 28-29 (\$1.75); Titles 30-31 (\$0.50); Title 32, Parts 700-799 (\$1.00); Parts 800-999, Revised (\$3.75); Part 1100 to End (\$0.60); Title 36, Revised (\$3.00); Title 38 (\$1.00); Title 46, Parts 146-149, Revised (\$6.00); Part 150 to End (\$0.65); Title 49, Parts 1-70 (\$1.75); Parts 91-164 (\$0.45); Part 165 to End (\$1.00).

Order from the Superintendent of Documents,
Government Printing Office, Washington 25, D.C.



Republic 7-7500

Extension 3261

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture.

[Amdt. 5]

PART 730—RICE

Subpart—Regulations for the Determination of Rice Acreage Allotments for the 1959 and Subsequent Crops of Rice

FINAL DATE FOR ALLOCATING PRODUCER ALLOTMENTS

The purpose of the amendment herein is to provide a final date for the filing of an application for the allocation of producer rice acreage allotment to farms in each producer State or area. This provision is considered necessary to facilitate effective administration of the Act, since in the past there have been instances where producers have inadvertently delayed the filing of applications, or have failed or refused to file an application, which in turn delay the establishment of farm rice acreage allotments and the checking of compliance, and place a hardship on the other producers who are engaged in the production of rice on the same farm.

Prior to preparing this amendment, public notice (25 F.R. 1077) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to this change which were received in accordance with the notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

The earliest closing date for filing applications provided for herein is May 1, 1960; accordingly, this amendment shall become effective May 1, 1960.

Paragraphs (a), (b) and (c) of § 730.1021 are amended to read as follows:

§ 730.1021 Allocation of producer allotments to farms.

(a) Each producer who desires to have all or any part of his producer rice acreage allotment taken into consideration in the establishment of the farm rice acreage allotment for any farm on which he will be engaged in the production of rice in the current year shall, not later than the final date set forth herein, file a request with the county committee for allocating his producer allotment as determined under § 730.1017, § 730.1018 or § 730.1020, as applicable, to such farm or farms, if his allotment acreage is to be considered when establishing the rice acreage allotment for the farm. Each such request shall be in writing and insofar as the producer has personal knowledge, contain the name (or code number) of the State and county in

which the farm is located and the farm serial number, the total acres in the farm, the cropland acres, the developed rice land acres, the name and address of the farm operator and the name and address of the farm owner where different from the farm operator, the name and address of the applicant, the location of the farm, the applicant's producer rice allotment, the rice acreage allotment to be allocated to the farm, the applicant's interest in the rice crop to be produced on the farm by virtue of furnishing the land, labor, water and/or equipment, and the applicant's approximate percentage share of the rice crop to be produced on the farm as the result of furnishing the land, labor, water and/or equipment.

(b) The final date for the filing of an application for the allocation of producer allotment acreage to a farm shall, except as provided herein, be as follows:

State or area:	Final filing date
California -----	June 1.
Florida -----	May 1.
Louisiana ¹ -----	May 1.
North Carolina -----	May 1.
Tennessee -----	June 1.
Texas -----	June 1.

¹ Producer Administrative Area.

If a producer is unable to file his application on or before the above date because of (1) an error on the part of an employee of the county or State committee, or (2) reasons beyond his control, a late application accompanied by his written certification giving his reasons for failure to file previously, may be accepted for further consideration. If the county committee, with the approval of the State administrative officer, determines from the facts and circumstances that the producer's failure to file previously was because of an error on the part of an employee of the county or State committee, or because of reasons beyond his control, the late application may be accepted as being timely filed. Any application for the allocation of all or any part of a producer rice acreage allotment to a farm that is not timely filed in accordance with the provisions of this section shall be disapproved and such acreage allotment cannot be considered when the rice acreage allotment for the farm is established.

(c) The State committee, with the assistance of county committees, shall allocate the allotment determined under § 730.1017, § 730.1018, or § 730.1020, as applicable, for a producer to the farm or farms on which it has been determined that the producer will be actively engaged in the production of rice in the current year: *Provided*, That an application for the allocation of his producer rice acreage allotment, or any part thereof, was timely filed. The sum of the producer allotments allocated to any farm, adjusted where necessary to establish an allotment for the farm

within its capabilities for producing rice consistent with practical farming operations, taking into consideration crop-rotation practices, the land, labor, water and equipment available for the production of rice, the sizes of fields, the arrangement of levees and drainage facilities, the soil and other physical factors affecting the production of rice on the farm in the current year and the acreage available for such adjustments, shall be the official farm rice acreage allotment for such farm: *Provided*, That the total acreage allocated to all farms for any producer shall not exceed such producer's allotment determined under § 730.1017, § 730.1018, or § 730.1020, as applicable, by more than 5 per centum or 5 acres, whichever is larger: *And provided further*, That the total acreage allocated to all farms for any new producer shall not exceed the smaller of (1) such producer's rice acreage allotment, including the adjustment, if any, under this paragraph, or (2) the sum of the producer's shares in the acreages planted to rice in the current year by the new producer on all farms in which he has an interest in the acreage planted to rice. The sum of the upward adjustments in allocated acreages under this paragraph shall be limited to the sum of the downward adjustments that are not released by the producer for re-apportionment to other farms under § 730.1024. The acreage resulting from the reduction of new producer allotments under this section shall be transferred to the reserve available to the State committee for appeals and corrections, missed farms, and adjustments under § 730.1017.

(Secs. 353, 375, 52 Stat. 61, as amended, 66, as amended; 7 U.S.C. 1353, 1375)

Issued this 4th day of April 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-3238; Filed, Apr. 7, 1960; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 191]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.491 Valencia Orange Regulation 191.

(a) *Findings*. (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural

Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the past week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., April 10, 1960, and ending at 12:01 a.m., P.s.t., January 29, 1961, no handler shall handle any Valencia oranges, grown in District 2, which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the oranges contained in any type container may measure smaller than 2.32 inches in diameter: *And provided further*, That in addition to such tolerance, any handler may, during each calendar week of the aforesaid period, handle a quantity of such oranges which are smaller than 2.32 inches in diameter but not smaller than 2.20 inches in diameter, except that a tolerance of 5

percent, by count, of oranges smaller than 2.20 inches in diameter shall be permitted in any container of oranges which are smaller than 2.32 inches in diameter, if such quantity does not exceed 10 percent of his weekly allotment when volume regulation is in effect and 10 percent of the Valencia oranges handled by him during such week when volume regulation is not in effect.

(2) As used in this section, "handle," "handler," and "District 2" shall have the same meaning as when used in the said marketing agreement and order, as amended.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 5, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-3219; Filed, Apr. 7, 1960; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-FW-51]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification of VOR Federal Airway

On December 30, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10984) stating that the Federal Aviation Agency was proposing to redesignate the south alternate of VOR Federal airway No. 16 between Mineral Wells, Tex., and Dallas, Tex.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 600.6016 (24 F.R. 10507, 25 F.R. 171, 1819, 2388) is amended as follows:

In the text of § 600.6016 *VOR Federal airway No. 16 (Los Angeles, Calif., to Boston, Mass.)*, delete "including a south alternate via the INT of the Mineral Wells VOR 094° and the Dallas VOR 233° radials;" and substitute therefor "including a S alternate via the INT of the Mineral Wells VORTAC 094° True and the Dallas VORTAC 229° True radials;"

This amendment shall become effective 0001 e.s.t. June 2, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on April 1, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management

[F.R. Doc. 60-3196; Filed, Apr. 7, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-418]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airways and Associated Control Areas

On December 29, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10919) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 25 between Red Bluff, Calif., and Klamath Falls, Oreg., and VOR Federal airway No. 122 between Talent, Oreg., and Lakeview, Oreg.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, §§ 600.6025 (24 F.R. 10509), 600.6122 (24 F.R. 10516) and 601.4122 (24 F.R. 10601) are amended as follows:

1. In the text of § 600.6025 *VOR Federal airway No. 25 (San Diego, Calif., to Ellensburg, Wash.)*, delete "intersection of the Red Bluff omnirange 018° True and the Klamath Falls omnirange 181° True radials;" and substitute therefor "INT of the Red Bluff VORTAC 015° True and the Klamath Falls VORTAC 181° True radials;"

2. Section 600.6122 *VOR Federal airway No. 122 (Crescent City, Calif., to Klamath Falls, Oreg.)*:

(a) In the caption delete "(Crescent City, Calif., to Klamath Falls, Oreg.)" and substitute therefor "(Crescent City, Calif., to Lakeview, Oreg.)"

(b) In the text delete "From the point of intersection of the Medford, Oreg., omnirange 176° True and the Klamath Falls, Oreg., omnirange 273° True radials; to the Klamath Falls, Oreg., omnirange station." and substitute therefor "From the INT of the Medford, Oreg., VOR 176° True and the Klamath Falls VORTAC 268° True radials via the Klamath Falls, Oreg., VORTAC; to the Lakeview, Oreg., VOR."

3. In the caption of § 601.6122 *VOR Federal airway No. 122 control areas (Crescent City, Calif., to Klamath Falls, Oreg., VOR)*, delete "(Crescent City, Calif., to Klamath Falls, Oreg.)" and

substitute therefor "(Crescent City, Calif., to Lakeview, Oreg.)."

These amendments shall become effective 0001 e.s.t. June 2, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on April 1, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-3198; Filed, Apr. 7, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-330]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

Extension of Federal Airway and Associated Control Areas

On December 10, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 9996) stating that the Federal Aviation Agency proposed to extend VOR Federal airway No. 426 and its associated control areas from St. Louis, Mo., to Richwoods, Mo.

The commissioning date for the Richwoods VOR has been extended to approximately October 1, 1960. Additionally, the description of Victor 426 is being changed to accurately describe the intersection which forms the eastern terminus of this airway.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 600.6426 (24 F.R. 10527) and § 601.6426 (24 F.R. 10605) are hereby amended and set forth below:

1. Section 600.6426 is amended to read:

§ 600.6426 VOR Federal airway No. 426 (Richwoods, Mo., to Nakomis, Ill.).

From the Richwoods, Mo., VOR via the St. Louis, Mo., VOR to the INT of the St. Louis VOR 062° T radial with the Troy, Ill., VOR direct radial to the Decatur, Ill., VOR.

2. Section 601.6426 is amended to read:

§ 601.6426 VOR Federal airway No. 426 control areas (Richwoods, Mo., to Nakomis, Ill.).

All of VOR Federal airway No. 426.

These amendments shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on April 1, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-3199; Filed, Apr. 7, 1960; 8:45 a.m.]

[Airspace Docket No. 59-NY-41]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

Modification of Control Zone

On January 21, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 517) stating that the Federal Aviation Agency proposed to modify the Columbus, Ohio, control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.2090 (24 F.R. 10575) is amended to read:

§ 601.2090 Columbus, Ohio, control zone.

Within a 5-mile radius of the geographical center of the Port Columbus Airport (latitude 39°59'34" N., longitude 82°52'50" W.) and within a 5-mile radius of the Lockbourne, Ohio, Air Force Base (latitude 39°48'51" N., longitude 82°55'56" W.) including the airspace within 2 miles either side of a direct line extending from the Columbus RR to the Lockbourne AFB, within 2 miles either side of the Port Columbus ILS localizer E course extending from the Port Columbus Airport 5-mile radius zone to the Port Columbus ILS OM, and within 2 miles either side of the Lockbourne AFB ILS localizer NE course from the Lockbourne AFB 5-mile radius zone to the Lockbourne AFB ILS OM.

This amendment shall become effective 0001 e.s.t. June 2, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on April 1, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-3197; Filed, Apr. 7, 1960; 8:45 a.m.]

[Airspace Docket No. 59-LA-12]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

Modification of Control Area Extension

On January 13, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 250) stating that the Federal Aviation Agency proposed to modify the Promontory Point, Utah, control area extension.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.1298 (24 F.R. 10562) is amended to read:

§ 601.1298 Control area extension (Promontory Point, Utah).

That airspace south of Promontory Point bounded on the N by VOR Federal airway No. 6, on the E by VOR Federal airway No. 21, on the S by VOR Federal airway No. 32, and on the W by a line extending from latitude 40°51'30" N., longitude 112°56'30" W., to latitude 41°00'00" N., longitude 112°56'30" W., to latitude 41°00'00" N., longitude 112°45'00" W., to latitude 41°12'25" N., longitude 112°45'00" W.; and that airspace N of Promontory Point bounded on the N by VOR Federal airway No. 288, on the E by VOR Federal airway No. 257 and on the S by VOR Federal airway No. 6.

This amendment shall become effective 0001 e.s.t., June 2, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on April 1, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-3200; Filed, Apr. 7, 1960; 8:45 a.m.]

[Airspace Docket No. 59-LA-57]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEG- MENTS

Designation of Control Zone

On January 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 62) stating

that the Federal Aviation Agency proposed to designate a control zone within a 3-mile radius of Buchanan Field, Concord, Calif.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.1983 (24 F.R. 10570) is amended as follows:

In the text of § 601.1983 *Three-mile radius zones*, add: "Concord, Calif.: Buchanan Field (latitude 37°59'20" N., longitude 122°03'20" W.)."

This amendment shall become effective 0001 e.s.t., June 2, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on April 1, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-3201; Filed, Apr. 7, 1960; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Extension of Effective Date of Statute for Certain Specified Food Additives

Correction

In F.R. Doc. 60-3068, appearing at page 2836 of the issue for Tuesday, April 5, 1960, the following change should be made:

In the table in § 121.86, "25 parts per million" should be deleted from the Limits column for Aluminum stearate and the space left blank.

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SODIUM LAURYL SULFATE; PERMITTED ADDITION TO EGG WHITE PRODUCTS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Swift and Company, Union Stock Yards, Chicago 9, Illinois, and other relevant material, has concluded that the following food additive regulation should issue in conformance with Section 409 of the Federal Food, Drug, and Cosmetic Act, as amended, with respect to the food additive sodium lauryl sulfate, as an emulsifier in egg

white products. Therefore, pursuant to the provisions of the act (sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (23 F.R. 9500), Subpart D (21 CFR Part 121 (24 F.R. 2434)) is amended by adding thereto the following new section:

§ 121.1012 Sodium lauryl sulfate as an emulsifier in egg white products.

The food additive sodium lauryl sulfate may be used as an emulsifier in egg white solids, liquid egg whites, or frozen egg whites, in accordance with the following prescribed conditions:

(a) The additive meets the following specifications:

(1) It is a mixture of sodium alkyl sulfates consisting chiefly of sodium lauryl sulfate $[\text{CH}_3(\text{CH}_2)_{10}\text{CH}_2\text{OSO}_3\text{Na}]$.

(2) It has a minimum content of 90 percent sodium alkyl sulfates.

(b) It is used or intended for use in or with egg whites whereby the additive does not exceed the following limits:

Egg white solids----- 1,000 parts per million (0.1 percent).

Frozen egg whites--- 125 parts per million (0.0125 percent).

Liquid egg whites--- 125 parts per million (0.0125 percent).

(c) To insure the safe use of the additive, the label of the food additive container shall bear, in addition to the other information required by the act:

(1) The name of the additive, sodium lauryl sulfate.

(2) Adequate use directions to provide a final egg white product that complies with the limitations prescribed in paragraph (b) of this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348 (c))

Dated: April 4, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-3218; Filed, Apr. 7, 1960; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7582 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Commercial Distributors of America, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections*; § 13.15-30 *Connections or arrangements with others*; § 13.15-265 *Service*; § 13.15-278 *Time in business*; § 13.60 *Earnings and profits*; § 13.115 *Jobs and employment service*; § 13.255 *Surveys*; § 13.195 *Safety*; § 13.195-30 *Investment*; § 13.260 *Terms and conditions*. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others*; § 13.1435 *History*; § 13.1553 *Services*; Goods: § 13.1670 *Jobs and employment*; § 13.1757 *Surveys*; § 13.1760 *Terms and conditions*.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Commercial Distributors of America, Inc., et al., Newark, N.J., Docket 7582, March 1, 1960]

In the Matter of Commercial Distributors of America, Inc., a Corporation, National Placement and Distribution Agency, Inc., a Corporation, Gene J. Davidson, Individually and as an Officer of Each of Said Corporations, and William J. Stockton, Individually and as an Officer of Said National Placement and Distribution Agency, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Newark, N.J., distributors of vending machines and supplies therefor, with making false offers of employment in advertising in the classified advertisement section of newspapers and periodicals and follow-ups by their salesmen displaying a variety of promotional literature, along with false representations of exaggerated profits, assistance to purchasers, etc., as in the order below set forth.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Commercial Distributors of America, Inc., a corporation, and its officers, and National Placement and Distribution Agency, Inc., a corporation, and its officers, and Gene J. Davidson, individually and as an officer of each of said corporations, and William J. Stockton, individually and as an officer of said National Placement and Distribution Agency, Inc., and their agents, representatives, and employees,

directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of machines or devices which vend or dispense merchandise, or which are accessory to the vending or dispensing of merchandise, or the supplies and equipment used in connection therewith, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly, that:

1. Employment is offered either by respondents or by any other person, firm, or corporation;

2. Respondents have established routes of their vending machines or devices at the time the offer of sale is made;

3. The earnings or profits derived from the operation of respondents' said machines or devices are any amount greater than that usually and customarily earned by operators of respondents' said machines or devices or similar machines or devices dispensing similar merchandise;

4. Surveys or any other kind of investigations have been conducted to ascertain the feasibility of establishing a route of said machines or devices in any locality or that arrangements have been completed to establish a route of said machines or devices or that said machines or devices will be located so as to return profits in any amount greater than will be in fact returned by such machines;

5. Respondents will repurchase, resell, or relocate said machines or devices sold by them;

6. The cash investment required to purchase respondents' said machines or devices is secured;

7. Selling or soliciting is not required to establish, operate, or maintain a route of said machines and devices;

8. Respondents will supervise the operation of or assist in the maintenance of a route of said machines or devices;

9. Respondents' business operation is seventy years old or one of the largest of its kind or that respondents are the agents or representatives of or affiliated with the A. L. Bazzini Co., Inc., of New York, New York, or the Newark Packing Co., of Newark, New Jersey; or that respondents' business operation is older or larger than it is in fact or is associated or affiliated with any person, firm, or corporation, unless such is the fact;

10. Respondents will forward on consignment to the buyer additional machines or devices to be operated by the buyer in conjunction with those purchased; or that said machines or devices are available on any terms or conditions other than those on which they are in fact available.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form

in which they have complied with the order to cease and desist.

Issued: March 1, 1960.

By the Commission.

[SEAL]

ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-3211; Filed, Apr. 7, 1960;
8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER D—MULTIFAMILY AND GROUP HOUSING INSURANCE

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIRE- MENTS FOR PROJECT MORTGAGE

In § 241.20 paragraph (c) is revoked as follows:

§ 241.20 Eligibility of mortgagors.

(c) [Revoked]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

Issued at Washington, D.C., April 4, 1960.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 60-3227; Filed, Apr. 7, 1960;
8:49 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 11—PROCEDURE FOR VARI- ATIONS FROM SAFETY AND HEALTH REGULATIONS UNDER LONG- SHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Safety and Health Regulations for Longshoring and Ship Repairing have been promulgated under the amended section 41 of the Longshoremen's and Harbor Workers' Compensation Act (72 Stat. 835, amending 44 Stat. 1444; 33 U.S.C. 941; 29 CFR, Parts 8 and 9 (25 F.R. 1543, 1565)). The Act (Subsection 41(d)) and those regulations (29 CFR 8.5 and 9.5) provide for the exercise of administrative discretion in granting certain types of variations from the safety and health requirements. Upon this basis, it is the purpose of these regulations to provide the procedure for application for such variations and action on such applications, both for the safety and health regulations that have been promulgated and such others as may be promulgated under the same authority. As these are regulations of procedure

and practice for relieving restriction, public procedure is deemed to be unnecessary and they will be effective on publication in the FEDERAL REGISTER.

Accordingly, pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) Subtitle A of Title 29, Code of Federal Regulations is hereby amended by adding a new Part 11 to read as follows:

Sec.

- 11.1 Scope and application.
- 11.2 Availability.
- 11.3 Application.
- 11.4 Approval prerequisite to variation.
- 11.5 Priority.
- 11.6 Contents of order granting variation.
- 11.7 Contents of order denying variation.
- 11.8 Publication in FEDERAL REGISTER.
- 11.9 Supplementary publication of orders granting or denying variation.
- 11.10 Emergency applications.
- 11.11 Terminations and extensions.

AUTHORITY: §§ 11.1 to 11.11 issued under 72 Stat. 835 amending 44 Stat. 1444; 33 U.S.C. 941, and R.S. 161, 5 U.S.C. 22.

§ 11.1 Scope and application.

The regulations in this part shall govern the availability, effect, and procedure for obtaining variations from safety and health regulations provided in §§ 8.5 and 9.5 of this title and any other safety and health regulations issued under the authority of Section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444 as amended, 33 U.S.C. 941).

§ 11.2 Availability.

Variations are to be granted only when the Director of the Bureau of Labor Standards determines that the general regulation or particular provisions thereof imposes practical difficulty or unnecessary hardship in a particular application; that the purpose of the general regulation or particular provisions thereof from which variation is sought will be observed by the use of other or different devices; and, that the safety of employees will be equally secured by the other or different devices.

§ 11.3 Application.

An application requesting a variation from an existing safety or health regulation, or particular provisions thereof may be made by any person or organization affected by such rule or regulation, or particular provisions thereof, or by the lawful agent of such an interested person or organization. The application shall be in triplicate, directed to the Director of the Bureau of Labor Standards, United States Department of Labor, and delivered to the Bureau of Labor Standards field office which services the place in which the variation, if granted, would be effective. Every application shall:

- (a) Be typewritten or printed in ink;
- (b) Appropriately describe the rule or regulation, or particular provisions thereof, from which variation is requested and specifically describe the type of difficulty or hardship arising thereunder and the substitute device for which authorization is sought;

(c) Contain a certification, together with a detailed and comprehensive outline of the facts upon which the certification is based, that:

(1) The variation requested with respect to the rule or regulation, or particular provisions thereof, involved is necessary to avoid practical difficulties or unnecessary hardships;

(2) The purpose of the rule or regulation will be observed by the variation; and

(3) The safety of employees will be equally secured thereby.

(d) State whether a temporary or permanent variation is desired; if temporary, an estimate of the length of time for which the variation is required shall be included; and

(e) Indicate the manner in which the variation is intended to operate.

§ 11.4 Approval prerequisite to variation.

The application for a variation shall not serve as temporary authority for the variation. Adherence to the general regulations is required unless and until such application is approved by the Director of the Bureau of Labor Standards.

§ 11.5 Priority.

The Director of the Bureau of Labor Standards shall promptly examine every application for the purpose of determining its appropriate priority for the purpose of avoiding or minimizing any delay of affected operations.

§ 11.6 Contents of order granting variation.

When granting a variation from safety or health regulations or particular provisions thereof, the Director of the Bureau of Labor Standards shall immediately prepare, in triplicate, an order setting forth:

(a) The name and address of the person or organization requesting the variation;

(b) The rule or regulation, or particular provisions thereof, with respect to which the variation is effective;

(c) A description of the conditions under which the variation is permitted, including the extent to which variation from an existing rule or regulation, or particular provisions thereof, will be allowed; and

(d) The period for which the variation shall be effective.

§ 11.7 Contents of order denying variation.

In the event the Director of the Bureau of Labor Standards shall deny an application for a variation, he shall prepare, in triplicate, an order setting forth:

(a) The name and address of the person or organization requesting the variation;

(b) The rule or regulation, or particular provisions thereof, from which the application requested variation;

(c) The extent and duration of the variation requested; and

(d) A concise statement of the reasons for denial of the application for variation.

§ 11.8 Publication in Federal Register.

Any authorization of a variation by the Director of the Bureau of Labor Standards shall be published in the **FEDERAL REGISTER** as provided in section 3 of the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1002).

§ 11.9 Supplementary publication of orders granting or denying variation.

One copy of the order granting or denying the variation, whichever is issued, shall be mailed to the person or organization requesting the variation at such address as may be specified in the application; one copy shall be kept in the Office of the Bureau of Labor Standards Area Supervisor for the area in which the variation, if granted, would be made effective, and shall be open to public inspection; and one copy, together with a properly indexed record of all authorized variations, shall be kept in the Office of the Director of the Bureau of Labor Standards and shall be open to public inspection.

§ 11.10 Emergency applications.

In any case of extreme urgency, the application for a variation from an existing safety or health regulation, or particular provisions thereof, may be made by telegraph, and shall state the grounds upon which the application is based. This type of application must be confirmed without delay by a written application for a variation which meets the requirements of § 11.3.

§ 11.11 Terminations and extensions.

The order granting the application for a variation shall remain in effect for the period specified therein, or until such time as it is terminated in accordance with section 9(b) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1008(b)). Such terminations shall be published as provided in §§ 11.8 and 11.9. Any application for an extended or new variation upon expiration of a temporary one shall be in the form provided in § 11.3, shall explain the need for extension and specify the extended period, and shall be filed not less than 15 days nor more than 30 days prior to the expiration of the temporary authorization.

Signed at Washington, D.C., this 1st day of April 1960.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 60-3212; Filed, Apr. 7, 1960;
8:46 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 82, 2d Rev.]

PART 309—VESSEL VALUES FOR WAR RISK INSURANCE

Part 309 is hereby revised by changing the existing text to read as follows:

FINDINGS AND SCOPE

Sec.
309.1 Findings.
309.2 Scope.

BASIC VALUES

309.3 Vessels built during or after 1938.
309.4 Vessels built prior to 1938.

GENERAL PROVISIONS

309.5 Adjustments for condition, equipment and other considerations.
309.6 Definitions.
309.7 Modifications.
309.8 Vessel data forms.

VALUES FOR INDIVIDUAL VESSELS

309.101 Determination of values.

AUTHORITY: §§ 309.1 to 309.8 and 309.101 issued under sec. 204, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775, as amended, 70 Stat. 984; 46 U.S.C. 1114, 1289.

FINDINGS AND SCOPE

§ 309.1 Findings.

The Maritime Administrator has found that the values provided in this part constitute just compensation for the vessels to which they apply, computed in accordance with subsection 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242), pursuant to section 1209(a), Merchant Marine Act, 1936, as amended (46 U.S.C. 1289(a)), Public Law 958, 84th Congress, and the authority delegated to the Maritime Administrator by the Secretary of Commerce in section 6.01, subsection 2, paragraph (3) of Department Order No. 117 (Amended) (18 F.R. 5518, September 15, 1953).

§ 309.2 Scope.

(a) *Vessels included.* This part establishes values for self-propelled ocean-going iron and steel vessels (other than vessels excluded pursuant to paragraph (b) of this section) for which war risk insurance is provided by the Maritime Administrator pursuant to Title XII, Merchant Marine Act, 1936, as amended (46 U.S.C. 1281-1294), Public Law 763, 81st Congress, Public Law 209, 84th Congress, Public Law 958, 84th Congress. The values established by this part represent the maximum amounts for which the Maritime Administrator will provide war risk hull insurance for damage to or actual or constructive total loss of the vessel and for which claims for damage to or actual or constructive total loss of such insured vessels may be adjusted, compromised, settled, adjudged, or paid, by the Maritime Administrator with respect to insurance attaching on or after January 1, 1960, under the Standard Forms of War Risk Hull Insurance Interim Binder or Policy prescribed by §§ 308.106 and 308.107 of this chapter (General Order 75, revised, 22 F.R. 1175, as amended, 24 F.R. 8093). Revised values will be prescribed in subsequent revisions of this part, which are expected to be issued at least every six months. The latest published values will remain in effect until new ones are published.

(b) *Vessels excluded.* The values established pursuant to §§ 309.3 through 309.5 do not apply to passenger vessels, lumber schooners, car ferries, seatrains, cable ships, bulk cement and ore carriers

other than colliers built prior to 1938, vessels operated on the Great Lakes and inland waterways, fully refrigerated vessels, vessels of less than 1,500 gross tons, or any other vessels or class of vessels to which the Maritime Administrator finds that the provisions of said sections would not be appropriate. Values for vessels excluded by this paragraph (b), shall be specially determined by the Maritime Administrator and set forth in § 309.101.

(c) *Fuel, stores, and supplies.* Values for fuel, stores and supplies will be prescribed at a later date.

BASIC VALUES

§ 309.3 Vessels built during or after 1938.

(a) *Basic values.* The values of vessels built during or after 1938 shall be determined in accordance with this section, subject to the applicable adjustments provided in § 309.5.

(b) *War-built vessels.* (1) The values of the standard types of war-built vessels listed in this subparagraph (1) which have the lawful right to engage in the coastwise trade of the United States are as follows:

Standard-type vessel:	Value
EC2-S-C1	\$220,000
EC2-S-AW1	370,000
VC2-S-AP2	650,000
C1-M-AV1	400,000
C1-A and B (Steam)	512,500
C1-A and B (Diesel)	475,000
C2-S-B1	760,000
C3-S-A2	1,020,000
C4-S-A4	1,050,000
T1-M-BT	375,000
T2-SE-A1	385,000
T3-S-A1	435,000
T3-S-BZ1	1,000,000

(2) The values of the standard types of war-built vessels (whether under United States or foreign flag) listed in this subparagraph (2) which do not have the lawful right to engage in the coastwise trade of the United States are as follows:

Standard-type vessel:	Value
EC2-S-C1	\$197,000
EC2-S-AW1	340,000
C1-MT-BU1	212,000
VC2-S-AP2	544,000
C2-S-B1	635,000
T2-SE-A1	272,000

(3) The values of the standard subtypes of war-built vessels listed in this subparagraph (3) shall be determined as follows:

(i) If the subtype vessel has the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard type vessel listed in subparagraph (1) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (3), or

(ii) If the subtype vessel does not have the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard type vessel listed in subparagraph (2) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (3).

Subtype:	Factor
VC2-S-AP3	110%—VC2-S-AP2.
VC2-M-AP4	88%—VC2-S-AP2.
C1-M-AV6	100%—C1-M-AV1.
C1-M-AV8	100%—C1-M-AV1.
C2-S-A1	85%—C2-S-B1.
C2-S-AJ1	100%—C2-S-B1.
C2-S-AJ2	110%—C2-S-B1.
C2-S-AJ3	100%—C2-S-B1.
C2-S-AJ5	105%—C2-S-B1.
C2-Cargo	100%—C2-S-B1.
C2-S-E1	100%—C2-S-B1.
C2-F	100%—C2-S-B1.
C2-S	103%—C2-S-B1.
C2-SU	93%—C2-S-B1.
C2-T	100%—C2-S-B1.
C3-Cargo	100%—C3-S-A2.
C3-S-A1	100%—C3-S-A2.
C3-S-A3	83%—C3-S-A2.
C3-S-A4	109%—C3-S-A2.
C3-S-A5	109%—C3-S-A2.
C3-E	83%—C3-S-A2.
C3-M	100%—C3-S-A2.
C3-S-BH1	100%—C3-S-A2.
C3-S-BH2	105%—C3-S-A2.
C4-S-B5	100%—C4-S-A4.
T1-M-BT1	100%—T1-M-BT.
T1-M-BT2	100%—T1-M-BT.
T2-SE-A2	108%—T2-SE-A1.
T2-SE-A3	108%—T2-SE-A1.
T2	106%—T2-SE-A1.
T3-M-AZ1	113%—T3-S-A1.
T3-S-BF1	135%—T3-S-A1.

(c) *Other vessels.* The value of a vessel built during or after 1938 which is not included in paragraph (b) of this section shall be the current domestic market value as determined by the Maritime Administrator.

§ 309.4 Vessels built prior to 1938.

The basic values of vessels built prior to 1938 shall be as follows, subject to applicable adjustments provided in § 309.5:

(a) For dry cargo vessels, \$7.50 per deadweight ton;

(b) For tank vessels, \$7.00 per deadweight ton;

(c) For collier vessels, \$7.50 per deadweight ton.

GENERAL PROVISIONS

§ 309.5 Adjustments for condition, equipment and other considerations.

The basic values provided in § 309.3 shall be adjusted for individual vessels to the extent provided in paragraphs (a) to (f) of this section. The basic values provided in § 309.4 shall be adjusted for individual vessels to the extent provided in paragraphs (a) to (f) of this section.

(a) *Adjustment for a vessel of substandard condition.* If the Maritime Administrator is of the opinion that a vessel is not in class or is in substandard condition for a vessel of her type or subtype and age, there shall be subtracted from the basic value of such vessel, as determined pursuant to §§ 309.3 and 309.4, the amount estimated by the Administrator as the cost of putting the vessel in class or the amount estimated by the Administrator as the difference in value of the substandard vessel and a vessel in standard condition.

(b) *Special equipment.* For any special equipment of material utility in the handling of cargo or utilization of the vessel, not otherwise included in determining the basic value pursuant to

§ 309.3 or § 309.4, if the depreciated reproduction cost less construction subsidy, if any, of all such special equipment is in excess of \$50,000.00, an allowance in such amount as the Maritime Administrator shall determine to be the fair and reasonable value of such equipment less construction-differential subsidy thereon, shall be added to the basic value.

(c) *Government installations.* The values provided by this part shall not include any allowance for any special installations or equipment to the extent that their cost was borne by the United States.

(d) *Construction subsidized vessel.* In the case of a construction subsidized vessel, for the period of insurance prior to requisition for title or use the valuation determined in accordance with § 309.3 shall be reduced by such proportion as the amount of construction subsidy paid with respect to the vessel bears to the entire construction cost and capital improvements thereof (excluding the cost of national defense features), and for the period of insurance after requisition for use the valuation determined in accordance with § 309.3 shall not exceed the amount which would be payable under section 802 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1211), in the case of requisition for title or use.

(e) *Speed.* The basic values determined pursuant to § 309.4 for vessels built prior to 1938 shall be adjusted as provided in subparagraph (1) or (2) of this paragraph.

(1) *Allowance for speed of more than 11 knots.* For vessels having a speed of more than 11 knots, there shall be added to the basic values provided in § 309.4 \$0.15 per deadweight ton for each knot thereof in excess of 11 knots (fractions of knots to be prorated to the nearest one-fourth).

(2) *Deduction for speeds of less than 9 knots.* For vessels having a speed of less than 9 knots, there shall be deducted from the basic values provided in § 309.4 \$0.15 per deadweight ton for each knot thereof less than 9 knots (fractions of knots to be prorated to the nearest one-fourth).

(f) *Refrigeration.* (1) The basic values determined pursuant to § 309.4 shall be adjusted for refrigerated space as provided in this paragraph, subject to the limitation provided in paragraph (c) of this section.

(2) The net cubic capacity of each separately insulated refrigerated compartment of the vessel, exclusive of any refrigerated space ordinarily required for vessel's stores, shall be computed, and the total cubic capacity of all such compartments shall then be ascertained.

(3) The number of net cubic feet of the sum of all refrigerated compartments of the vessel, exclusive of the refrigerated space ordinarily required for the vessel's stores, shall then be multiplied by \$0.05 for vessels built prior to 1938.

§ 309.6 Definitions.

(a) *Date vessel is built.* The date a vessel is built is the date upon which the vessel is delivered by the shipbuilder.

(b) *Deadweight tonnage.* The deadweight tonnage of a vessel means her deadweight capacity established in accordance with normal Summer Freeboard as assigned pursuant to the International Load Line Convention, 1930, and shall be her capacity (in tons of 2,240 pounds) for cargo, fuel, fresh water, spare parts and stores, but exclusive of permanent ballast.

(c) *Speed of vessel.* The speed of a vessel means the speed determined in accordance with the formulae provided in Part 246 of this chapter (General Order 43, 3d Revision, 24 F.R. 3793, May 12, 1959).

(d) *Passenger vessel.* A passenger vessel is a ship which carries more than twelve passengers.

(e) *Construction subsidized vessel.* A construction subsidized vessel is a vessel built, reconstructed or reconditioned with the aid of a construction-differential subsidy under Title V of the Merchant Marine Act, 1936, as amended, or a vessel sold by the United States which is subject by operation of law or contract to the provisions of section 802 of the Merchant Marine Act, 1936, as amended.

§ 309.7 Modifications.

The Maritime Administrator reserves the right to exempt specific vessels from the scope of this part, or to amend, modify, or terminate the provisions hereof.

§ 309.8 Vessel data forms.

(a) *To accompany application for insurance.* Each application for war risk hull insurance submitted in accordance with § 308.101 of this chapter (General Order 75, Revised, 22 F.R. 1175, as amended, 24 F.R. 8093) shall be accompanied by information relating to the vessel for use by the Maritime Administrator in determining the value pursuant to this part. The information shall be submitted in duplicate on the applicable form prescribed in this section, copies of which may be obtained from the American War Risk Agency, 99 John Street, New York, N.Y., or the Secretary, Maritime Administration, Washington 25, D.C.

(b) *Vessels of 1,500 gross tons or over—(1) War-built vessels.* If the vessel is a standard or subtype war-built vessel listed in § 309.3(b) (1), (2), or (3), vessel data shall be submitted on Form MA-470.

(2) *Construction subsidized vessels.* If the vessel is a construction subsidized vessel as defined in § 309.6(e) or a vessel for which the purchase price was adjusted under section 9 of the Merchant Ship Sales Act of 1946, vessel data shall be submitted on Form MA-471.

(3) *Other vessels built during or after 1938.* If the vessel was built during or after 1938, and if it is not included in subparagraph (1) or (2) of this paragraph, vessel data shall be submitted on Form MA-472.

(4) *Vessels built prior to 1938.* If the vessel is a dry cargo, tank or collier vessel built prior to 1938, vessel data shall be submitted on Form MA-473.

(5) *Vessels excluded by § 309.2(b).* If the vessel is 1,500 gross tons or more

and is excluded by § 309.2(b), vessel data shall be submitted on Form MA-474.

(c) *Vessels of less than 1,500 gross tons.* If the vessel is of less than 1,500 gross tons, vessel data shall be submitted on Form MA-63.

(d) *Modifications to vessels.* Revised vessel data shall be submitted on the appropriate form prescribed above whenever a vessel undergoes a physical change which increases or decreases its value by five percent or more.

VALUES FOR INDIVIDUAL VESSELS

§ 309.101 Determination of values.

(a) *Vessels covered by §§ 309.3 through 309.5.* (1) Whereas, the Maritime Administrator has found that the values established pursuant to §§ 309.3 through 309.5 constitute just compensation for the vessels to which they apply, computed in accordance with section 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242); and section 1209(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289), Public Law 958, 84th Congress (70 Stat. 984); and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA-184, prescribed by Part 308 of this chapter (General Order 75, Revised, 22 F.R. 1175, as amended, 24 F.R. 8093).

(2) Therefore, it is ordered that the interim binders listed below shall be deemed to have been amended as of January 1, 1960, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Nevertheless, the Assured shall have the right within sixty days after said date or within sixty days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a) (2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289).

Binder No.	Name of vessel	Official No.	Stated valuation
2	Michael Tracy.....	248164	\$370,000
3	Thomas Tracy.....	247868	370,000
4	David D. Irwin.....	242354	408,000
7	American Mail.....	247321	1,020,000
8	Canada Mail.....	252476	1,020,000
10	India Mail.....	251767	1,020,000
12	Java Mail.....	252478	1,020,000
13	Ocean Mail.....	241750	707,000
14	Oregon Mail.....	248844	1,020,000
20	Alabama.....	246968	385,000
26	Illinois.....	246993	385,000
28	Louisiana.....	245053	385,000
34	New Jersey.....	245831	2,300,000
42	Wisconsin.....	247650	385,000
67	African Glade.....	245035	760,000
68	African Glen.....	247294	760,000
69	African Grove.....	244877	760,000
72	African Patriot.....	245795	760,000
73	African Pilgrim.....	245431	760,000
74	African Pilot.....	245725	760,000
86	Alameda.....	252492	760,000
87	Sierra.....	252355	760,000
88	Sonoma.....	245016	760,000
89	Ventura.....	252493	760,000
90	Hawaiian Banker.....	247831	1,041,000
91	Hawaiian Builder.....	247386	1,292,000
92	Hawaiian Citizen.....	252149	1,069,000
93	Hawaiian Craftsman.....	247826	1,115,000K
94	Hawaiian Educator.....	247322	1,083,000K
95	Hawaiian Farmer.....	245860	1,146,000K
96	Hawaiian Fisherman.....	247256	1,091,000K
98	Hawaiian Logger.....	246728	220,000K
99	Hawaiian Lumberman.....	246007	220,000K
100	Hawaiian Merchant.....	248845	1,292,000K
101	Hawaiian Packer.....	243929	1,287,000K

Binder No.	Name of vessel	Official No.	Stated valuation
102	Hawaiian Pilot.....	252413	\$1,160,000
103	Hawaiian Planter.....	248741	1,105,000
104	Hawaiian Rancher.....	246204	1,269,000
105	Hawaiian Refiner.....	245594	1,223,000
106	Hawaiian Retailer.....	252477	1,020,000
107	Hawaiian Wholesaler.....	252533	1,273,000
113	Marine Courier.....	248019	275,000
114	Marine Merchant.....	245750	310,000
115	Marine Shipper.....	247596	370,000
116	Marine Trader.....	247274	370,000
117	Marine Transport.....	247991	413,000
171	Exermont.....	239017	847,000
175	Exilona.....	252303	847,000
178	Exmouth.....	247370	715,000
180	Expeditor.....	251971	847,000
183	Express.....	252376	847,000
185	Exton.....	246174	715,000
187	Washington.....	240590	1,020,000
188	Oregon.....	252271	1,020,000
189	Pacific Transport.....	248742	1,020,000
190	Philippine Transport.....	246388	1,020,000
191	Illinois.....	247454	715,000
192	Clarke's Wharf.....	247758	385,000
193	Fort Mims.....	248736	385,000
195	Rock Landing.....	248802	385,000
196	Arlington.....	248386	370,000
197	Boston.....	247161	370,000
199	Concord.....	247870	370,000
201	Lexington.....	248276	370,000
202	Malden.....	247087	370,000
205	Newton.....	247414	370,000
206	Reading.....	248271	370,000
207	Winchester.....	247708	370,000
211	American Builder.....	247301	760,000
212	American Chief.....	246732	760,000
217	American Flyer.....	247417	760,000
221	Pioneer Surf.....	254842	848,000
225	American Leader.....	249817	760,000
226	American Manufacturer.....	247643	760,000
228	American Miller.....	243873	760,000
229	American Packer.....	243982	760,000
230	American Planter.....	254670	760,000
231	American Press.....	247590	760,000
232	American Producer.....	254616	760,000
235	American Scientist.....	254653	760,000
239	American Veteran.....	247296	760,000
240	American Gunner.....	252677	760,000
242	Pioneer Cove.....	249748	760,000
246	Pioneer Isle.....	256787	835,000
247	American Trapper.....	252678	760,000
250	Pioneer Reef.....	244020	845,000
251	American Hunter.....	252679	760,000
253	Pioneer Tide.....	249030	760,000
254	American Forester.....	248074	760,000
256	Green Harbour.....	247760	650,000
257	Green Valley.....	247950	650,000
262	Moline Victory.....	247346	650,000
263	Newberry Victory.....	248460	650,000
264	San Angelo Victory.....	248842	650,000
263	Penobscot.....	247706	370,000
294	Plymouth.....	247867	370,000
295	Seaconnet.....	247412	370,000
300	Byron D. Benson.....	246173	385,000
301	David McKelvy.....	246355	385,000
305	Frank Haskell.....	246307	385,000
307	Robert E. Hopkins.....	247757	385,000
308	Samuel Q. Brown.....	246982	385,000
315	Providence Getty.....	254689	375,000
318	Wm. F. Humphrey.....	246557	385,000
324	Chevron.....	250641	375,000
326	Oregon Standard.....	240773	385,000
331	Idaho Standard.....	245461	385,000
342	Del Campo.....	241923	533,000
350	Del Sol.....	245159	514,000
353	Del Viento.....	242343	533,000
354	Santa Adela.....	242243	760,000
360	Santa Eliana.....	245546	760,000
362	Santa Flavia.....	242762	760,000
365	Santa Juana.....	242111	760,000
409	Catawba Ford.....	245620	385,000
415	Custis Woods.....	245009	385,000
418	Tullahoma.....	246662	385,000
425	Northfield.....	243253	385,000
428	Edison Mariner.....	247371	220,000
435	Four Lakes.....	244071	2,200,000
437	The Cabins.....	246143	2,300,000
438	Pueblo.....	243441	385,000
439	Barbara Frietschle.....	244708	220,000
440	Olympic Pioneer.....	245529	220,000
447	Gulf Banker.....	245169	760,000
448	Gulf Farmer.....	244598	760,000
449	Gulf Merchant.....	252445	760,000
450	Gulf Shipper.....	252443	760,000
451	Natalie O. Warren.....	245077	1,125,000
453	Atlantic Sun.....	244086	492,000
458	Louisiana Sun.....	242964	385,000
459	Maryland Sun.....	246101	385,000
460	Mercury Sun.....	245955	385,000
461	Michigan Sun.....	241851	385,000
463	Ohio Sun.....	244089	385,000
468	Sunoil.....	246908	385,000
471	Gulfbrand.....	246504	385,000
477	Gulfglow.....	245054	385,000
487	Gulfmills.....	245675	385,000
488	Gulfmoon.....	248895	385,000
490	Gulfpass.....	248080	385,000
491	Gulfpeak.....	247468	385,000
499	Gulfswamp.....	246013	385,000
502	Gulfvictor.....	244703	385,000
515	San Jacinto.....	248894	1,300,000

Binder No.	Name of vessel	Official No.	Stated valuation	Binder No.	Name of vessel	Official No.	Stated valuation	Binder No.	Name of vessel	Official No.	Stated valuation
516	Fruitvale Hills	248716	\$385,000	1215	Brinton Lykes	245240	\$512,500	1715	Atlantic Oriole	938	\$197,000
517	La Brea Hills	247455	385,000	1217	Charlotte Lykes	247157	650,000	1716	Atlantic Robin	937	197,000
518	Lyons Creek	245450	385,000	1220	Dolly Turman	249747	760,000	1717	Atlantic Starling	948	197,000
519	New Market	247276	385,000	1223	Frank Lykes	245540	760,000	1726	Marcell M. H.	848	197,000
521	Tillamook	245104	385,000	1225	Genevieve Lykes	252444	760,000	1727	Transborinquon	246540	612,500
551	Foncea City	244335	385,000	1227	George Lykes	245132	512,500	1729	Transcaribbean	247086	650,000
552	Chama	242704	239,000	1228	Gibbes Lykes	245182	760,000	1732	Pandora	243923	197,000
564	Iliamna	246848	239,000	1230	Helen Lykes	245245	760,000	1733	P. Prekla	573	197,000
570	Nadina	245864	232,000	1231	Howell Lykes	239905	1,020,000	1787	Jane B. L.	457	197,000
573	Susitna	248389	400,000	1240	Leslie Lykes	247213	650,000	1882	Berwindvale	247645	370,000
574	Arizona	247721	715,000	1241	Letitia Lykes	246897	760,000	1909	Transmundo	1431	272,000
575	California	248206	715,000	1244	Mallory Lykes	244881	760,000	1912	Natalie	245322	760,000
576	Colorado	248786	715,000	1245	Margaret Lykes	245853	760,000	1913	Rebecca	245532	760,000
577	Montana	247478	715,000	1246	Marion Lykes	245458	512,500	1914	Ocean Dinny	244215	760,000
580	Wyoming	248243	715,000	1247	Mason Lykes	252446	760,000	1915	Ocean Eva	244878	760,000
591	Transunion	247060	220,000	1248	Mason Lykes	247405	650,000	1920	Ocean Evelyn	249217	1,050,000
701	P & T Adventurer	247220	715,000	1253	Shirley Lykes	243799	512,500	1929	Lompoc	248653	385,000
702	P & T Builder	247121	715,000	1257	Sylvia Lykes	247841	760,000	1937	Agia Thalassini	442	197,000
703	P & T Explorer	252524	1,020,000	1262	Virginia Lykes	245135	760,000	1939	Theopan	582	197,000
705	P & T Leader	245244	715,000	1286	Santa Mercedes	252351	760,000	1940	Chryssi S. M.	491	197,000
707	P & T Navigator	252304	1,020,000	1310	Texan	249352	1,850,000	1947	Sealady	244457	197,000
710	P & T Voyager	248787	715,000	1335	Angelina	244334	220,000				
726	Burco Trader	246444	220,000	1338	Carolyn	241806	220,000				
792	Brooklyn Heights	247872	650,000	1339	Dorothy	242902	220,000				
795	Flying Clipper	252991	760,000	1340	Edith	248564	370,000				
796	Flying Cloud	247000	760,000	1343	Evelyn	247951	370,000				
797	Flying Eagle	251664	760,000	1345	Hilton	245110	220,000				
798	Flying Enterprise II	245374	760,000	1346	Mae	248165	370,000				
800	Flying Independent	245131	612,500	1358	Elderfields	1029	197,000				
802	Flying Trader	248750	650,000	1381	Alice Brown	249027	760,000				
803	Remsen Heights	247865	650,000	1382	Margaret Brown	249174	760,000				
804	Sir John Franklin	244734	512,500	1387	World Legion	679	197,000				
807	California	206910	3,900,000	1389	World Loyalty	884	197,000				
815	Tomsina	252547	226,000	1390	World Luck	680	197,000				
831	Keytrader	267905	3,100,000	1391	World Tempest	676	272,000				
846	Santa Fe	246602	512,500	1392	World Theme	735	272,000				
858	Bents Ford	248910	385,000	1393	World Thought	736	272,000				
859	Bradford Island	247040	385,000	1394	World Thrift	737	272,000				
860	Cantigny	247452	385,000	1395	World Tolerance	677	272,000				
861	Chilwawa	251505	435,000	1396	World Treaty	738	272,000				
862	Council Grove	247896	385,000	1397	World Truth	739	272,000				
863	Fort Hoskins	248735	385,000	1400	Neva West	249283	760,000				
865	Royal Oak	247574	385,000	1409	Santa Malta	245459	760,000				
867	Winter Hill	247576	385,000	1411	Santa Victoria	247139	760,000				
868	Coeur D'Alene Victory	247113	715,000	1412	Gulfbeaver	247309	1,975,000				
870	Longview Victory	247077	715,000	1413	Gulfbeaver	243657	1,975,000				
871	Northwestern Victory	247492	715,000	1424	Lewis Emery, Jr.	244882	197,000				
877	Ames Victory	247292	715,000	1426	Aricreake	242813	272,000				
878	Coe Victory	247894	715,000	1427	Battle Rock	245332	272,000				
879	Jefferson City Victory	247345	715,000	1428	Camp Namanu	245670	272,000				
880	Mankato Victory	248739	715,000	1429	Federal	246998	272,000				
895	Galena	248122	400,000	1430	Fort Bridger	245050	272,000				
897	Marine Pioneer	245060	345,000	1431	Heywood Brown	244263	197,000				
899	Hess Bunker	243804	385,000	1432	Lake George	244234	272,000				
921	Hess Trader	246104	385,000	1433	McKittrick Hills	247017	272,000				
923	Brant	472	340,000	1434	Montebello Hills	246851	272,000				
924	Gull	439	340,000	1436	Republic	246137	272,000				
925	Osprey	473	340,000	1437	Wm. A. M. Burden	958	272,000				
926	Tern	440	340,000	1438	Santa Regina	244133	760,000				
931	Chemical Transporter	244942	1,655,000	1439	Angelo Petri	243882	4,510,000				
933	George S.	541	197,000	1444	Santa Cristina	247268	760,000				
934	Villa Marion	554	197,000	1450	Santa Alicia	248050	760,000				
935	Eastern Sun	270025	6,000,000	1456	Santa Mariana	246038	760,000				
936	Fort Fetterman	244935	2,125,000	1457	Gold Stream	275391	2,050,000				
941	Julesburg	243523	2,250,000	1459	Gulfpanther	246543	2,050,000				
942	Spirit of Liberty	243263	385,000	1462	Marshall	1046	197,000				
943	Santa Anita	245130	512,500	1463	Anne Quinn	243521	220,000				
944	Pine Ridge	243803	385,000	1464	Chirjuca	242477	220,000				
946	Cilco Logger	242495	220,000	1465	Dorothy Boylan	245895	220,000				
948	Hawaiian Trader	248785	715,000	1466	Janet Quinn	242949	220,000				
966	Atlantic Victory	248749	650,000	1467	Joan O'Berg	247025	220,000				
967	Ocean Victory	248013	650,000	1468	Russell L.	247511	220,000				
978	Febul	670	272,000	1469	Gulfpaguar	246972	2,050,000				
979	Southstar	253289	760,000	1480	Gulffion	246990	2,100,000				
980	Southport	253572	760,000	1491	Gulftiger	247767	2,125,000				
983	Hess Petrol	244735	385,000	1494	Seafair	245215	220,000				
986	Southland	245539	760,000	1501	Producer	245888	385,000				
989	Southwind	252358	760,000	1511	Mormacelm	248393	715,000				
992	Marine Ranger	245874	290,000	1512	Mormacelm	248393	715,000				
999	Albatross	244486	220,000	1513	Mormacelm	248393	715,000				
1016	Hawaiian Tourist	248171	715,000	1514	Mormacelm	248393	715,000				
1026	Hawaiian Traveler	247316	715,000	1516	Mormacelm	247477	715,000				
1027	Josefina	247042	220,000	1517	Mormacelm	248745	1,020,000				
1062	Hess Mariner	247229	385,000	1518	Georgetown	247199	385,000				
1090	Marine Progress	245086	310,000	1520	Pacificus	245519	220,000				
1092	Washington Standard	246203	385,000	1525	Gulf Trader	244750	760,000				
1098	Saxon	245608	220,000	1528	Charles C. Dunalf	247348	220,000				
1104	Lucile Bloomfield	249291	760,000	1530	Transcape	984	544,000				
1114	President Fillmore	245764	715,000	1544	Adolph Sperling	245751	220,000				
1117	President Harding	248565	715,000	1550	Eagle Courier	277561	7,025,000				
1129	President Tyler	245982	715,000	1554	Sag Harbor	244117	220,000				
1139	Coast Progress	249264	1,625,000	1555	Thunderbird	1059	197,000				
1149	Callabee	245560	385,000	1562	Helen H.	245029	272,000				
1150	Hampton Roads	248748	1,000,000	1566	Robin Goodfellow	247254	1,020,000				
1155	Wagon Box	244766	385,000	1567	Robin Gray	252626	1,020,000				
1160	Frank A. Morgan	242676	435,000	1568	Robin Hood	247255	1,020,000				
1163	Etude	778	272,000	1582	Mormacelm	252346	1,020,000				
1164	Fugue	779	272,000	1586	Mormacelm	252347	1,020,000				
1167	Rondo	780	272,000	1605	Green Bay	244287	635,000				
1168	Scherzo	777	272,000	1607	Flying Spray	246217	512,500				
1173	California Bear	251970	760,000	1608	Gulfsal	247557	2,200,000				
1174	Canada Bear	247385	715,000	1627	Nenana	247015	220,000				
1175	China Bear	245837	760,000	1628	Talkeetna	245733	220,000				
1176	Hawaii Bear	247194	715,000	1630	Chris H.	244656	197,000				
1187	Aldershot	543	197,000	1650	Transeastern	279438	10,000,000				
1188	Cambridge	452	197,000	1654	Thetis	279627	9,500,000				
1189	Kenneth H. Stevenson	244980	220,000	1655	James Monroe	522	197,000				
1198	Atlantic Water	246587	197,000	1705	Marine Leopard	248882	1,050,000				
1200	Coal Miner	247331	220,000	1706	Marine Snapper	248884	1,050,000				
1212	Almee Lykes	245548	760,000	1708	Alaska Mail	247420	715,000				
1214	Barbara Lykes	245964	760,000	1714	Ocean Seaman	245049	220,000				

(b) Vessels of less than 1,500 gross tons—(1) As of June 10, 1959. (i) Whereas, the Maritime Administrator has determined for certain vessels of less than 1,500 gross tons the values which constitute just compensation for the vessels to which they apply, computed in accordance with section 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242); and section 1209(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289), Public Law 958, 84th Congress (70 Stat. 984); and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA-184 prescribed by Part 308 of this chapter (General Order 75, Revised, 22 F.R. 1175, as amended, 24, F.R. 8093).

(ii) Therefore, it is ordered that the interim binders listed below shall be deemed to have been amended as of June 10, 1959, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Nevertheless, the Assured shall have the right within sixty days after said date or within sixty days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289).

Binder No.	Name of vessel	Official No.	Stated valuation
582	Otis Wack	150639	\$270,000
636	Dammam 7		23,000

sels to which they apply, computed in accordance with section 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242); and section 1209(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289), Public Law 958, 84th Congress (70 Stat. 984); and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA-184 prescribed by Part 308 of this chapter (General Order 75, Revised, 22 F.R. 1175, as amended, 24 F.R. 8093).

(ii) Therefore, it is ordered that the interim binders listed below shall be deemed to have been amended as of July 1, 1959, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Nevertheless, the Assured shall have the right within sixty days after said date or within sixty days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a) (2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289).

Binder No.	Name of vessel	Official No.	Stated valuation
609	Barge 114.....	-----	\$16,000
610	Barge 115.....	-----	17,000
611	Barge 116.....	-----	19,000
612	Barge 117.....	-----	16,000
613	Barge 118.....	-----	16,000
623	Barge 128.....	-----	16,000
624	Barge 129.....	-----	16,000
626	Barge 131.....	-----	16,000
628	Barge 133.....	-----	39,000
629	Barge 134.....	-----	17,000

(3) As of January 1, 1960. (i) Whereas, the Maritime Administrator has determined for certain vessels of less than 1,500 gross tons the values which constitute just compensation for the vessels to which they apply, computed in accordance with section 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242); and section 1209(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289), Public Law 958, 84th Congress (70 Stat. 984); and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA-184 prescribed by Part 308 of this chapter (General Order 75, Revised, 22 F.R. 1175, as amended, 24 F.R. 8093).

(ii) Therefore, it is ordered that the interim binders listed below shall be deemed to have been amended as of January 1, 1960, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Nevertheless, the Assured shall have the right within sixty days after said date or within sixty days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a) (2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289).

Binder No.	Name of vessel	Official No.	Stated valuation
281	Curlow.....	243213	\$78,000
282	Golden Eagle.....	241402	54,000
283	Kingfisher.....	252862	111,000
336	Columbia.....	242528	61,000
337	Pilgrim.....	246839	68,000
338	Puritan.....	245599	62,000
841	Cyrus Field.....	147699	270,000

NOTE: The record-keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: March 30, 1960.

CLARENCE G. MORSE,
Maritime Administrator.

[F.R. Doc. 60-3115; Filed, Apr. 7, 1960;
8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[MC-C-2077]

PART 165a—CERTIFICATES AND PERMITS

Service Within One Airline Mile of Highways Composing Regular Routes of a Motor Common Carrier of Passengers

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 28th day of March A.D. 1960; No. MC-C-2077; in the matter of Administrative Ruling No. 102.

It appearing, that by order dated September 17, 1957, the Commission, Division 1, instituted the above-entitled rule-making proceeding to determine under what circumstances and conditions, if any, a regular-route motor carrier of passengers, in interstate or foreign commerce, may lawfully provide service to or from points within one airline mile of the highway or highways composing the regular route or routes over which it is expressly authorized to operate;

It further appearing, that notice of the said rule-making proceeding was published in the FEDERAL REGISTER on October 12, 1957 (22 F.R. 8125);

And it further appearing, that investigation of the matters and things involved in this proceeding has been made, and the Commission, Division 1, on the date hereof, having made and filed its report containing its findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof:

It is ordered, That Part 165a, Subpart B, Interpretation of Operating Rights, be, and it is hereby, amended by adding thereto the following section:

§ 165a.12 Service to or from points within one airline mile of the highway or highways composing the regular route or routes of a motor common carrier of passengers.

(a) *Definition and construction.* For the purpose of this section:

(1) the terms "municipality" and "unincorporated area" shall be defined as set forth in Commercial Zones and Terminal Areas, 46 M.C.C. 665, § 170.15 (a) and (b) of this chapter;

(2) An "airline" mile shall be construed to mean a statute mile.

(b) *Regular-route motor carrier of passengers.* A common carrier by motor vehicle holding a certificate, issued by the Interstate Commerce Commission pursuant to the provisions of Part II of the Interstate Commerce Act, authorizing the transportation of passengers between two or more points over a defined route or segment thereof, and authorizing service at all intermediate points thereon, may serve (1) all municipalities situated wholly within one airline mile of the highway or highways composing the carrier's authorized service routes, portions, or segments thereof, (2) all unincorporated areas within one airline mile of the highway or highways composing the carrier's authorized service routes, portions, or segments thereof, and (3) all military establishments, airports, schools, or other similar public or private establishments, not situated in a municipality, which may be entered within one airline mile of the highway or highways composing the carrier's authorized service routes, portions or segments thereof: *Provided, however,* That operation within any part of such establishment more than one airline mile from such designated (authorized) highway is not over a public road.

(c) *Exceptions.* The rule promulgated in paragraph (b) of this section shall not be applicable to the operations of any motor common carrier of passengers (1) within New York, N.Y., (2) within Rockland, Westchester, Orange, or Nassau Counties, N.Y., (3) within Fairfield County, Conn., (4) within Passaic, Bergen, Essex, Hudson, Union, Morris, Somerset, Middlesex, or Monmouth Counties, N.J., and (5) within the commercial zone of Washington, D.C., as defined by the Commission.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply section 207(a) and 208(a), 49 Stat. 551, 552; 49 U.S.C. 307, 308)

It is further ordered, That this order shall be effective on May 16, 1960;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-3223; Filed, Apr. 7, 1960;
8:48 a.m.]

[Ex Parte No. MC-52]

PART 187—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS**PART 189—ADOPTION NOTICES AND SUPPLEMENTS; FILING AND POSTING****Schedule Rules for Contract Carriers of Property by Motor Vehicle**

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 9th day of December A.D. 1959.

It appearing, that, on July 7, 1958, notice to the public was given of proposed changes to be made in the regulations governing the construction, filing and posting of freight schedules of rates and charges of Motor Contract Carriers of Property, which notice was published in the FEDERAL REGISTER on July 22, 1958 (23 F.R. 5543); that written statements containing data, views and arguments have been received; and that full consideration has been given to the matters and things involved:

It is ordered, That Part 187, Freight Rate Tariffs, Schedules, and Classifications, be revised by deleting in its entirety the text of §§ 187.0—187.11 and substituting therefor the regulations set forth below, which are made a part of this order; and the regulations are hereby approved and prescribed to govern the construction, publishing, filing, posting and keeping open for public inspection, of schedules of contract carriers of property by motor vehicle filed pursuant to sections 210a and 218 of the Interstate Commerce Act, as amended;

It is further ordered, That Part 189, Adoption Notices and Supplements; Filing and Posting, be, and the same is hereby, canceled in its entirety;

It is further ordered, That this order shall become effective on the 15th day of August, A.D. 1960.

It is further ordered, That notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

SCHEDULES OF MOTOR CONTRACT CARRIERS OF PROPERTY

Sec.	
187.0	Schedules and supplements filed prior to August 15, 1960.
187.1	Conformity required.
187.2	Definitions.
187.3	Waiver of rules; rejection of schedules.
187.4	Publication, filing and posting of schedules.
187.5	Form and content of schedules.
187.6	Applications for special permission.
187.7	Powers of attorney.
187.8	Change of name or transfer of entire operation.
187.9	Transfer of part of an operation.
187.10	Assumption of operating control by receiver.
187.11	Adoptions; general instructions.

Sec.

- 187.12 Temporary operation of contract carrier properties.
187.13 Suspension of schedules.

AUTHORITY: §§ 187.0 to 187.13 Issued under sec. 204, 49 Stat. 546, as amended, 49 U.S.C. 304, interpret or apply sec. 218, as amended, 210a, as amended, 49 Stat. 561, as amended; 52 Stat. 1238, as amended; 49 U.S.C. 318, 310a.

§ 187.0 Schedules and supplements filed prior to August 15, 1960.

Schedules and supplements thereto filed prior to August 15, 1960, which are designated as "Minimum Rates and Charges" shall be amended to show that they are actual rates and charges, or as to any contract carrier serving but one shipper having rendered continuous service to such shipper for not less than one year who elects to continue its schedule as a schedule of "Minimum Rates and Charges" shall supplement such schedule to include therein the following statement:

This carrier has been serving but one shipper and has rendered continuous service to such shipper for not less than one year.

§ 187.1 Conformity required.

Every schedule filed with the Commission shall conform to the regulations set out in §§ 187.1—187.13.

§ 187.2 Definitions.

Except where the context indicates otherwise:

The term "act" means the Interstate Commerce Act, as amended.

The term "Commission" means the Interstate Commerce Commission.

The term "contract carrier" means a contract carrier of property as defined in section 203(a) (15) of the act.

The term "rates" means actual rates and charges or minimum rates and charges.

The term "schedule" means a publication stating rates of a contract carrier or rules and other provisions applicable in connection with those rates, or a publication containing rates together with such rules and other provisions.

§ 187.3 Waiver of rules; rejection of schedules.

(a) *Waiver of rules.* In response to an application which has been prepared in the manner outlined in § 187.6 and which provides adequate justification for that action, the Commission in its discretion may authorize the waiving of any of these regulations, or the notice requirements of the act.

(b) *Rejection of schedules.* Any schedule tendered for filing which fails to give lawful notice of the change in rates, or other provisions which it proposes to establish, or which fails to meet the requirements of these regulations, or which violates any order of the Commission or of a court, is subject to rejection by the Commission. When a schedule is rejected, the Commission, acting through a designated administrative officer, will inform the carrier who tendered it for filing, in writing, of the reasons for rejection and will return the rejected schedule to that carrier.

(c) *Commission may direct reissue.* For good cause the Commission may at any time without formal hearing direct the reissue of any schedule.

§ 187.4 Publication, filing and posting of schedules.

(a) *Contract carriers must file schedules.* Except as otherwise provided in §§ 187.10—187.13 and except to the extent that the Commission grants relief from the requirements of the act for filing schedules every contract carrier shall publish and file in its own name schedules clearly and explicitly stating actual rates and charges (see Notes A and B) covering the services which it performs, together with rules, regulations and practices affecting those rates and charges or the value of the service thereunder, except that a carrier serving but one shipper having rendered continuous service to such shipper for not less than one year may file reasonable minimum rates and charges (see Note A) covering the services which it performs, together with rules, regulations and practices affecting those rates and charges or the value of the service thereunder, unless the Commission requires the filing of actual rates and charges.

NOTE A. Rates shall be stated in cents or in dollars per 100 pounds, per mile, per hour, per ton of 2,000 pounds, per ton of 2,240 pounds, per truckload of specified amount or per other defined unit.

NOTE B. When a contract carrier has more than one contract covering similar but not identical services or contracts covering identical services for which different rates of compensation are provided by the contracts, exceptional care must be exercised to accomplish publication of clear and explicit schedule provisions that reflect actual rates, charges, rules, or practices. In such a case, the carrier may publish a separate schedule for each contract provided the carrier submits in the same envelope with the schedule, when tendered for filing, a separate statement identifying the contract in connection with which the schedule applies. If rates, charges and other provisions applying in connection with more than one contract are published in a single schedule, the carrier filing the schedule shall submit in the same envelope with the schedule, when tendered for filing, a separate statement indicating as to each rate table, charge, item, rule or regulation, the contract or contracts in connection with which that rate table, charge, item, rule or regulation applies.

(b) *Agency or joint schedules prohibited.* A contract carrier may not participate in a tariff or schedule issued by another carrier or by an agent except that it may participate under power of attorney in an agency publication containing highway distances and in an agency publication containing the regulations promulgated by the Commission to govern the transportation of explosives or other dangerous articles. See § 187.5(v).

(c) *Three copies to be filed.* Three copies of every schedule must be filed with the Commission at its office in Washington, D.C. All three copies, together with a true copy of each contract or amendment to a contract filed with that schedule to comply with the requirements of paragraph (f) of this section shall be included in one package

marked "Tariffs" and addressed to Interstate Commerce Commission, Washington, D.C., and shall be accompanied by a letter of transmittal listing the schedules, contracts and amendments to contracts enclosed therewith. All postage or other charges must be prepaid.

(d) *Letters of Transmittal.* (1) Each letter of transmittal shall be on paper 8 x 10½ inches in size and in form substantially as follows:

(Correct name of carrier)

(Permit or Docket No.)

(Complete address)

(Date)

Transmittal No. ----- to Interstate Commerce Commission, Washington 25, D.C.

The accompanying contract carrier schedule is sent to you for filing in compliance with the requirements of the Interstate Commerce Act, issued by -----, and bearing MF-I.C.C. No. -----; or Supplement No. ----- to MF-I.C.C. No. ----- effective -----

The following contracts or amendments to contracts with shippers for the transportation of property are sent to you for filing in compliance with the Regulations of the Commission.

----- (Name and address of shipper)	----- (Effective date of contract)
----- (Name and address of shipper)	----- (Effective date of contract)
----- (Name and address of shipper)	----- (Effective date of contract)

Signed -----
Title -----

(2) Each letter of transmittal shall bear the signature of the person issuing the schedule, except that it may bear the signature of the carrier's representative authorized to file schedules with the Commission, provided that a letter of authorization in the form set forth in this subparagraph accompanies the letter of transmittal or has been previously submitted and is effective in the Commission's files. A carrier may have in effect in the Commission's files at any time one, and only one, such letter of authorization. The Commission may decline to accept for filing any schedule not accompanied by a properly signed letter of transmittal.

LETTER OF AUTHORIZATION

TO FILE SCHEDULES OF CONTRACT CARRIERS

(Complete name of carrier)
Permit or Docket No. MC-----

(Complete address)

Date -----

To the Interstate Commerce Commission,
Washington 25, D.C.

This is to certify that

(Name and address of individual authorized to act)

is hereby authorized to sign letters of transmittal and transmit to the Commission thereunder for filing in compliance with the Interstate Commerce Act, as amended, schedules and supplements thereto issued in the

name and MF-I.C.C. series of the carrier named herein, and contracts or amendments to contracts.

All such schedules and supplements are to be considered the official filings of the carrier named herein when tendered for filing by the individual named in the first paragraph hereof.

Name of Carrier -----
By -----

Verification:

The above statement was subscribed and sworn to before me this ----- day of -----, 19--.

(Notary Public)

(3) A separate letter of transmittal may accompany each schedule and each contract or the form may be modified to provide for filing with one letter as many schedules, supplements to schedules and contracts or amendments to contracts as can be conveniently listed. If receipt for the schedules or contracts is desired, letters of transmittal must be sent in duplicate and one copy showing the date of receipt by the Commission will be returned to the sender.

(e) *Notice of filing.* (1) Each new rate or charge and each reduced rate or charge, also each new or changed rule, regulation or practice which effects a reduction in rates or charges or which increases the value of the service shall be published in a schedule which shall be posted and filed with the Commission at its office in Washington, D.C., at least 30 days prior to the effective date of such rate, charge, rule, regulation or practice.

(2) Increased rates or charges and changes in rules, regulations, or practices which effect a decrease in the value of service or increase in a rate or charge, and rates, charges, rules, regulations or practices republished without change, shall be published in a schedule which shall be posted and filed with the Commission at least one day prior to the effective date of such rates, charges, rules, regulations, or practices. See §§ 187.5(g) and 187.6.

(f) *Schedules must be supported by a true copy of each related contract.* A schedule shall not be published and filed to apply on any commodity or from or to any point or for any service not covered by contract filed with this Commission, unless it is accompanied and supported by a true copy of a contract or of an amendment to a previously filed contract.

NOTE: The provisions of this paragraph do not apply to the filings of schedules of carriers transporting only bullion, currency, jewels, or other precious or very valuable articles.

(g) *Posting of schedules.* At its headquarters or general offices every contract carrier shall keep available for public inspection a complete file of all its effective schedules. Upon request assistance shall be furnished to anyone seeking information from those schedules.

§ 187.5 Form and content of schedules.

(a) *Form of schedule.* A schedule shall be filed in a book or pamphlet form. It shall be plainly printed, mimeographed, planographed, stereotyped, or reproduced by other durable process on

paper of good quality. Typewritten, photostat, hectograph, or proof sheets will not be accepted for filing. A schedule shall be eight inches in width and eleven inches in length. It shall contain no alteration or erasure. A margin of not less than five-eighths of an inch with no printing thereon shall be provided on the binding edge of each page.

(b) *Numbering of schedules.* Schedules other than supplements shall bear consecutive MF-I.C.C. numbers beginning with MF-I.C.C. No. 1 or continuing with the next consecutive MF-I.C.C. number in the same series of schedules.

(c) *Number assigned to a rejected schedule.* The number assigned to a schedule which has been rejected may not be used again. The rejected schedule may not be referred to in any subsequent schedule as having been canceled, amended or withdrawn, but the schedule published in its stead shall bear the following notation:

Issued in lieu of (here identify the rejected schedule by MF-I.C.C. number or supplement number) rejected by the Interstate Commerce Commission.

(d) *Title page.* The first (front or top) page of a schedule shall be prepared as a title page showing in the upper right-hand corner its MF-I.C.C. number and immediately thereunder notice of cancellation identifying by number any schedule or schedules being canceled thereby.

(e) *Name of carrier.* On the upper central part of the title page shall appear the exact complete name of the issuing carrier and the number of the permit, or if no permit has been issued, the docket number assigned to the application.

(f) *Application of schedule.* Below the carrier's name and permit or docket number shall be shown, following the words "Contract Carrier Schedule of Actual Rates and Charges Applying On" or "Contract Carrier Schedule of Minimum Rates and Charges Applying On," (see note) whichever is appropriate, a short, specific description of the commodity or commodities covered by the schedule (or the word "Commodities" where the articles covered are too numerous to list); and a brief description of the territories within which or points from, to, or between which the schedule applies.

NOTE: Any contract carrier serving but one shipper, having rendered continuous service to such shipper for not less than one year, who elects to file a schedule of minimum rates and charges shall include on page 2 thereof, immediately preceding the table of contents, if any, the following: "This carrier has been serving but one shipper and has rendered continuous service to such shipper for not less than one year."

(g) *Issue and effective dates.* On the lower left-hand side of the title page shall be shown the date of issue and on the lower right-hand side the date on which the schedule is to become effective. Schedules which contain new or changed rates or other provisions effective on more dates than one shall show a general (title page) effective date not earlier than 30 days subsequent to the date on which the schedule is filed with the

Commission, followed by a notation reading substantially as follows: "except as otherwise provided on page (here give reference to the page or pages on which new or changed rates or other provisions are shown as becoming effective on dates other than the general effective date of the schedules)."

(h) *Issuing officer.* At the bottom of the title page below the issued and effective dates shall be shown the name, title and mail address of the owner, partner, representative or officer of the carrier by whom the schedule is issued. The title "agent" may not be used.

(i) *Table of contents.* Immediately after title page shall be published a table of contents arranged in alphabetical order to indicate the page on which each subject is treated. If the schedule contains so small a volume of matter that its title page and interior arrangement plainly disclose its contents, the table of contents may be omitted.

(j) *Index of Commodities.* (1) Next shall be provided a complete alphabetical index of commodities indicating the number of the page on which rates or charges on each commodity will be found.

(2) If all of the commodity rates to each destination in a schedule are arranged in alphabetical order by commodities, the index of commodities may be omitted from that schedule.

(k) *Index of points.* Following the index of commodities a schedule naming rates or charges from, to, or between specific points shall publish an index showing those points, the states in which they are located and the page or pages on which each point is named. If there be not more than 12 points of origin or 12 points of destination, the names of such points may, if practicable, be shown in alphabetical order in the schedule, in which event the index of points of origin or destination, or both, as the case may be, may be omitted.

(l) *Rules.* Rules and other provisions affecting rates and charges shall be published following the index of points. Each rule and other governing provision must be designated as an "item", and given a separate "item" number; portions which can be understandingly read without recourse to the whole and "exceptions" to the general application of a rule or other such provision may be published in separate paragraphs and such paragraphs may be given subnumbers or letters.

(m) *Rate tables.* (1) Rate tables shall show rates and shall name the commodities on which the rates apply or make reference to pages or items listing those commodities. When rate tables refer to lists of commodities such lists of commodities shall be shown immediately preceding the rate tables and following the rules and other provisions required by paragraph (l) of this section. Rate tables shall also show points of origin and points of destination. Insofar as practicable such points shall be shown alphabetically or, if desired, they may be arranged in alphabetical order by States, the points in each State also being arranged in alphabetical order.

(2) Rate tables should be subdivided into small sections called "Items", and each should be given a separate "Item" number.

(n) *Designation of commodity or article.* When a rate is established or modified, the designation of the commodity or articles in connection with which the new or changed provision is to apply must be aptly descriptive; also, it must be sufficiently explicit to preclude conflicting or duplicating applications and to show clearly the articles which it embraces.

(o) *Multiple minimum-quantity rates.* Different rates based on different minimum quantities may be published provided the schedule shows clearly in connection with such provisions whether the lowest charge obtainable under the different rates and minimums applicable thereto (or actual quantities, if greater) will be applied, or whether the provisions will be applied in some different, explicitly stated manner.

(p) *Mixed shipments.* Rates may be established on different articles for mixed quantity shipments. Minimum quantities should be specified together with a statement in connection with the commodity description that the rates apply on mixed quantity shipments. Such rates may also be made applicable upon straight shipments of one or more or all of the articles by a provision to that effect in connection with the commodity description. When more than one article is included in an item or commodity description, the schedule should state whether or not the rates apply on straight or mixed shipments or both.

(q) *Changes must be indicated.* Schedules must indicate any change thereby made in existing rates or rules, regulations, practices or other provisions by use of the reference marks specified for the purpose in paragraph (r) of this section.

(r) *Uniform reference marks.* All schedules shall indicate changes made in existing rates, rules, regulations, practices or other provisions by use of the following uniform symbols in connection with those changes.

• or (R) to denote reductions.

◆ or (A) to denote increases.

▲ or (C) to denote changes which result in neither reductions nor increases in charges.

(s) *Explanation of abbreviations and reference marks.* At the end of each schedule there shall appear an Explanation of Abbreviations, followed by an Explanation of Reference Marks. Under the Explanation of Abbreviations shall appear an explanation of all abbreviations used in the schedule, except that commonly used abbreviations of state names or parts of names of companies, places or addresses may be omitted. Under the Explanation of Reference Marks shall appear an explanation of all characters, symbols or reference marks used in the schedule, except reference marks, characters or symbols which are explained on the page or pages of the schedule on which they appear.

(t) *Distance rates.* Schedules carrying rates dependent on mileages or dis-

tances for their application shall publish those distances between points or provide a definite method for determining them.

(u) *Supplements.* A change in or addition to a schedule shall be known as an amendment, and shall be published in a supplement. Supplements shall be numbered consecutively and shall carry the same MF-I.C.C. number as the schedule amended. Each supplement shall specify on its title page the supplement or supplements or schedule which it cancels, and shall also list by their numbers the supplements containing effective changes from matter published in the originally filed schedule. The matter contained in each supplement shall be arranged in the same general manner and order as the schedule which it amends. The following is the maximum number of effective supplements permitted to any one schedule:

16 pages or less----- 2 supplements.
17 pages or more----- 3 supplements.

In addition to the above, schedules of 17 or more pages may have one additional supplement of not exceeding 4 pages. Supplements announcing adoptions or suspension effected by orders of the Commission will not be counted in computing the allowable number of supplements.

(v) *Explosive and dangerous articles.* Schedules which contain rates for the transportation of explosives or other dangerous articles must also contain the rules and regulations promulgated by the Commission governing the transportation thereof, or must bear specific reference to the MF-I.C.C. number of a separate publication which contains such rules and regulations.

(w) *Item amendment.* When an amendment (such as a change, cancellation, addition or deletion) is made in a numbered item, such item shall be published in the supplement in its entirety as amended. The revised item showing the amended provision should be given the same item number with a letter suffix; for example: Item 40-A cancels Item 40; Item 40-B cancels Item 40-A; and so on. When any rate or other provision contained in an item designated by an item number is amended, resulting in the cancellation of all or a portion thereof, the canceled matter shall not be reproduced in the new item effecting the cancellation except to the extent necessary to identify the item.

§ 187.6 Applications for special permissions.

(a) *Reductions in rates and charges and establishment of new rates and charges on less than statutory notice; waiver of requirements of these regulations.* The act authorizes the Commission in its discretion and for good cause shown to permit reductions in or the establishment of new rates or charges on less than statutory notice, and also to permit departure from the Commission's regulations. This authority will be exercised only in cases where actual emergency and real merit are shown. Commercial competition or the desire to meet the rates of a competing carrier that has given statutory notice for reduced rates

or for the establishment of new rates and charges will not of itself be regarded as cause for permitting changes in rates or other provisions on less than statutory notice. Clerical or typographical errors in schedules constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the error, together with a full statement of the attending circumstances and must be presented with reasonable promptness after publication of the defective schedule.

(b) *Form of application.* Applications shall be submitted in duplicate on paper 8 by 11 inches in substantially the form set forth in this paragraph and shall furnish all pertinent information. They should be numbered consecutively and must bear the signature and title of the owner or of an officer or duly authorized representative of the carrier.

Form of application:

(Address)

(Date)

To the Interstate Commerce Commission,
Washington 25, D. C.

Application No. -----

(Name of carrier)

by -----
(Name of officer, specifying title)

does hereby petition the Interstate Commerce Commission that he (it) be permitted, under section 218 of the act, to put in force the following provisions to become effective ----- days after the filing thereof with the Interstate Commerce Commission.

(Here show matter as directed by paragraph (d) of § 187.6.)

Your petitioner further represents that the said, (state whether rates, charges, or other provisions) above mentioned will be published in (here show matter as directed by paragraph (e) of § 187.6.)

1. (Here state matter as directed by paragraph (f) of § 187.6.)

2. (Here state matter as directed by paragraph (g) of § 187.6.)

3. (Here show justification as directed by paragraph (h) of § 187.6.)

(Name of carrier)

By -----
(Name and title)

Verification: ¹

The above statement was subscribed and sworn to before me this ----- day of -----, 19----

(Notary Public)

(c) *Partial use of authority prohibited.* The authority granted by special permission, if used, must be used in its entirety and in the manner set forth in the order of special permission. If it is not desired to use all of the authority granted, and less or more extensive or different authority is desired, a new application complying with the provisions of this section in all respects and referring to the previous permission must be filed.

(d) *Proposed provisions.* The proposed provisions shall be set forth clearly and completely in the application. An accompanying exhibit may be used if identified by letter, such as "Exhibit A", and so referred to in the application. If the proposed provisions consist of rates, all points of origin and destination

must be shown or definitely indicated; if permission is sought to establish a rule, the exact wording of the proposed rule must be given.

(e) *MF-I.C.C. numbers to be shown.* The application shall show MF-I.C.C. numbers of the schedules in which the proposed rates, rules or other provisions will be published. If publication is to be made in schedules already referred to, that shall be stated.

(f) *Rates desired to be changed.* The application shall set forth the rates or provisions which it is desired to change. Where the matter to be shown is voluminous or for other reasons difficult of presentation, it shall be included in an accompanying exhibit, properly identified and referred to in the application. Reference shall be made by MF-I.C.C. number, supplement number and item or page number to the schedules in which rates or provisions to be superseded are published. The extent to which cancellations will be made must be definitely indicated.

(g) *Carriers, schedule or tariff numbers, notifications, advisements and objections.* Where changes in rates or practices or where new rates or practices are proposed, applications should name the carriers, and specify by I.C.C. or MF-I.C.C. number the schedules or tariffs maintaining corresponding rates or other provisions. Applications should also state whether those carriers have been notified of the applications, including any short-notice features. Applications to establish on less than thirty days' notice schedules to cover temporary operating authority granted under the authority of section 210a of the act should show that common carriers or their tariff publishing agents as well as contract carriers maintaining corresponding rates or other provisions have been advised of the proposals. All applications shall state what objections or other views have been expressed by the carriers so notified. The Commission must obtain information of the types mentioned before acting upon requests for tariff-circular relief or short notice; and applications will be handled with materially more speed when the carriers in filing their applications are careful to furnish the facts requested.

(h) *Special circumstances.* Applications shall state the special circumstances or unusual conditions relied upon as justifying the requested permission, together with any related facts or circumstances which may aid the Commission in determining whether the requested permission is justified. If permission to establish provisions on less than statutory notice is sought, the petitioner shall state why the proposed provisions could not have been established upon thirty days' notice.

§ 187.7 Powers of attorney.

(a) *Forms.* (1) The forms set forth in this section shall be used by a contract carrier of property to give authority to an agent to publish distance tariffs and supplements thereto naming rules and regulations as promulgated by the Interstate Commerce Commission to govern

the transportation of explosives and other dangerous articles. See § 187.4(b).

(2) Powers of attorney shall be printed or typed on paper of good quality, 8 x 11 inches in size. Each power of attorney shall be given a serial number which shall run consecutively for each form of instrument.

(b) *Individual acting as agent.* This form shall be used to authorize an individual to act as agent:

POWER OF ATTORNEY

MFA 4 No. -----

cancels

MFA -- No. -----

(Name of carrier)

(Post office address)

-----, 19--

Know all men by this instrument:

That [Name of granting carrier—see paragraph (d) of § 187.7], a contract carrier of property by motor vehicle, does (do) hereby make, constitute and appoint [Name of principal agent] attorney and agent to publish and file for such carrier [Here specify affirmatively the precise authority given to the agent; that is, either distance tariffs and supplements thereto or tariffs and supplements thereto naming rules and regulations as promulgated by the Interstate Commerce Commission to govern the transportation of explosives and other dangerous articles or both] as permitted or required of contract carriers by motor vehicle under the authority of Part II of the Interstate Commerce Act and the regulations of the Interstate Commerce Commission issued pursuant thereto and does (do) hereby ratify and confirm all that said attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failures to act of said attorney and agent.

And, further, that [Name of granting carrier—see paragraph (d) of § 187.7] does (do) hereby make and appoint [Name of alternate agent] alternate attorney and agent to do and perform the same acts and exercise the same authority herein granted to [Name of principal agent] in the event and only in the event of the death or disability of [Name of principal agent].

(Name of carrier)

By -----
(See paragraph (e), § 187.7)

Attest (If a corporation):

(Secretary)

[CORPORATE SEAL]

Duplicate mailed to -----, Agent.

(c) *Corporation or association acting as agent.* This form shall be used to authorize a corporation or association (see paragraph (g) of this section) to act as agent:

POWER OF ATTORNEY

MFA 5 No. -----

cancels

MFA -- No. -----

(Name of carrier)

(Post office address)

-----, 19--

Know all men by this instrument:

That [Name of granting carrier—see paragraph (d) of § 187.7], a contract carrier of property by motor vehicle, does (do) hereby make, constitute and appoint [Name of

¹ Only the original need be executed.

agent] attorney and agent to publish and file for such carrier [Here specify affirmatively the precise authority given to the agent; that is, either distance tariffs and supplements thereto or tariffs and supplements thereto naming rules and regulations as promulgated by the Interstate Commerce Commission to govern the transportation of explosives and other dangerous articles or both] as permitted or required of contract carriers by motor vehicle under the authority of Part II of the Interstate Commerce Act and the regulations of the Interstate Commerce Commission issued pursuant thereto and does (do) hereby ratify and confirm all that said attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failures to act of said attorney and agent.

By _____
(Name of carrier)
(See paragraph (e), § 187.7)

Attest (if a corporation):

(Secretary)
[CORPORATE SEAL]

Duplicate mailed to _____, Agent.

(d) *Full and correct carrier name to be shown.* In the space for the name of the carrier in Forms MFA 4 and MFA 5, there must be shown, if the carrier is an individual, the individual name followed by the trade name, if any. If the carrier is a partnership, the correct names of all partners must be given, followed by the trade name, if any. If the carrier is a corporation, the correct corporate name must be used. (See paragraph (e) of this section.) In all cases, the name of the carrier must be identical with the name as it appears in the permit issued by the Commission.

(e) *Persons who may sign powers of attorney.* If the carrier is an individual, the power of attorney must be signed by the individual. If a partnership, the power of attorney must be signed individually by each partner. If the carrier is a corporation, the power of attorney must be signed by the president or a vice president, attested by the secretary of the corporation, and the corporate seal shall be affixed.

(f) *Type of publication to be specified.* The power of attorney shall specify whether the agent designated therein shall publish a distance tariff or a tariff of rules and regulations governing the transportation of explosives and other dangerous articles, or both.

(g) *Agents, who may be.* Agents may be natural persons, corporations, or unincorporated associations whose articles of association (or other form of agreement) have been approved by the Commission in a proceeding pursuant to the provisions of section 5a, Part I of the Act. An officer or employee of an incorporated tariff publishing agent may not act as agent in his individual capacity for the publication of tariffs.

(h) *Revocation of powers of attorney.* A power of attorney may be revoked upon not less than sixty days' notice to the Commission by filing a notice of revocation with the Commission, serving at the same time a copy thereof on the agent in whose favor such power of attorney

was executed. Such notice shall not bear a separate serial number, but shall specify the form and number of the power of attorney to be revoked, shall name the agent and alternate agent, if any, in whose favor the power of attorney was executed, shall specify a date upon which revocation is to become effective, which must not be less than sixty days subsequent to the date of its receipt by the Commission and shall be executed in the following manner on paper of good quality, size 8 by 11 inches:

REVOCATION NOTICE

(Name of carrier)

(Post office address), 19__

Know all men by this instrument:

Effective _____, 19__, power of attorney MFA _____ No. _____ issued by

(Name of carrier)

in favor of _____
(Name of agent and of alternate, if any)

is hereby canceled and revoked.

By _____
(See paragraphs (d) and (e) of § 187.7)

Attest (if a corporation):

(Secretary)

[CORPORATE SEAL]

Duplicate mailed to _____
(Name of agent)

(Address)

(Date)

§ 187.8 Change of name or transfer of entire operation.

(a) *Adoption notice.* (1) When the name of a contract carrier is changed or when its operating control is transferred to another contract carrier, the carrier which will thereafter operate the properties shall file with the Commission and post an adoption notice, numbered in its MF-I.C.C. series as follows:

MF-I.C.C. No. _____

(Show name and doing business as, if any, of the adopting carrier)

ADOPTION NOTICE

The above-named carrier hereby adopts, ratifies, and makes its own in every respect, as if the same had been originally filed and posted by it, all schedules, concurrences, or other instruments whatsoever, including supplements or amendments thereto, filed with the Interstate Commerce Commission by or heretofore adopted by _____ prior to the effective date shown below.

Issued _____ Effective _____
Issued under authority of Section 187.8 of Tariff Circular MF No. 4 and in conformity with Interstate Commerce Commission Docket No. MC-_____

Issued by _____

(2) Notices of adoption shall be filed with the Commission immediately and, if possible, on or before the effective date shown therein.

(b) *Adoption supplement.* In addition to the adoption notice, the new car-

rier shall immediately file with the Commission and post a consecutively numbered supplement to each of the effective schedules issued or adopted by its predecessor reading as follows:

Effective _____ (here insert date shown in the adoption notice) this schedule, or as amended, became the schedule of _____ (name and doing business as, if any, of the new carrier) as per its adoption notice MF-I.C.C. No. _____

(c) *Supplement number and MF-I.C.C. series.* All supplements to such adopted schedules filed by the adopting carrier shall be numbered consecutively and shall show in connection with the MF-I.C.C. number that the number is in the series of the former carrier.

(d) *Adopted schedule to be republished.* As soon as practicable a schedule adopted in its entirety shall be republished in the series of the adopting carrier. The notice directing its cancellation shall identify it by reference to its MF-I.C.C. number and to the series in which it was issued. Any schedule not so reissued prior to its second adoption shall immediately thereafter be republished in the series of the second adopting carrier.

§ 187.9 Transfer of part of an operation.

(a) *Old carrier shall issue supplements.* When the operating control of a contract carrier's properties is transferred in part to another contract carrier, the old carrier shall issue a supplement to each of its affected schedules upon 30 days' notice carrying this cancellation notice:

Effective _____ (date) the rates, charges, rules and regulations in this schedule are withdrawn and canceled insofar as they apply _____ (here describe the operations transferred). For rates, charges, rules and regulations to apply see schedule MF-I.C.C. No. _____, issued by (name and doing business as, if any, of the new carrier). NOTE—whenever necessary the term, "minimum rates" shall be substituted for the term, "rates", in this notice.

(b) *New carrier shall issue and file a schedule or schedules.* The new carrier shall issue and file at the same time, to become effective on the same date, a schedule or schedules establishing on 30 days' notice rates, rules and regulations in lieu of those withdrawn by the old carrier.

§ 187.10 Assumption of operating control by a receiver.

NOTE: As used in §§ 187.10 and 187.11, the term "receiver" means a receiver, trustee, executor, administrator, assignee, or other similar party.

Adoption notices and supplements similar to those prescribed in § 187.8, but numbered consecutively in the MF-I.C.C. series of the old carrier, must immediately be filed by a receiver when he assumes full possession and operating control of a carrier's lines, and must show the name of the receiver on the title page in connection with the carrier name. When such possession and operating control are terminated, the carrier taking over the properties in their entirety shall file an adoption notice, and if a change in the name of the carrier

has been made, shall also file supplements as prescribed in § 187.8.

§ 187.11 Adoptions; general instructions.¹

(a) *Copies of notices of adoption to agents.* Copies of notices of adoption shall be sent to each agent to which power of attorney has been given by the old carrier. The effective date must be the date on which the change in name or operation occurs, except that if prior approval by the Commission of such change is required, the effective date shown shall not antedate that approval.

(b) *Powers of attorney.* Powers of attorney adopted by a receiver or other carrier shall, within 120 days, be replaced and superseded by new powers of attorney issued by, and numbered in the series of the receiver or other new carrier, except that a receiver may number powers of attorney in the old series (See also paragraph (b) of § 187.12. The cancellation reference to the former power of attorney must include the name of the former issuing carrier. Powers of attorney which will not be replaced by new issues shall be regularly revoked on the notice and in the manner prescribed by § 187.7.

(c) *Adoption notices and supplements to contain no other matter.* Adoption notices and special supplements issued under the authority of §§ 187.8 to 187.11 shall contain no other matter.

§ 187.12 Temporary operation of contract carrier properties.

(a) *New carrier assuming temporary control.* When temporary authority to take over the operating control of all or a portion of the operations of a contract carrier is granted pursuant to the provisions of section 210a(b) of the act, the

new carrier that assumes temporary control of the operations of the old carrier shall, except as provided in paragraph (b) of this section, comply with the provisions of §§ 187.8, 187.9 and 187.11.

(b) *New powers of attorney to be in series of old carrier.* The new carrier is not required to reissue the adopted powers of attorney during the period of temporary control of the operations of the old carrier. New powers of attorney relating to the temporarily controlled operations shall be in the series of the old carrier; for example:

MFKA 4 No. 6 (Roe's Trucking Series)
John Doe Transport, Inc.
Operator of

Richard Roe d/b/a Roe's Trucking
(Post Office Address)

(c) *Publications of the new carrier to be in its name as operator of the old carrier.* Changes in schedules of rates, minimum rates, charges or provisions relating thereto, applying from, to, or between points in the temporarily controlled operations shall be published and filed in the name of the new carrier as operator of the old carrier and numbered in the series of the old carrier. For example, if John Doe Transport, Inc., assumes temporary control of the operations of Richard Roe, d/b/a Roe's Trucking, the title page of schedules must show the MF-I.C.C. number and name of the carrier in substantially the following manner:

MF-I.C.C. No. 17 (Roe's Trucking Series)
John Doe Transport, Inc.
Operator of

Richard Roe d/b/a Roe's Trucking

(d) *Adoption notice to be filed when permanent authority is granted to take over temporarily controlled operations.* When permanent authority to take over

the temporarily controlled operation is granted pursuant to the provisions of section 5 of the act, the new carrier shall file an adoption notice and otherwise comply with provisions of §§ 187.8, 187.9 and 187.11.

(e) *Adoption notice to be filed when temporary authority ends.* If the temporary authority to assume operating control of the old carrier is discontinued or vacated, the old carrier must file an adoption notice and otherwise comply with §§ 187.8, 187.9 and 187.11. The effective date to be shown in the adoption notice and adoption supplements is the date on which the new carrier's temporary authority to operate the properties of the old carrier expires or is vacated.

§ 187.13 Suspension of schedules.

Upon receipt of an order suspending a schedule in part or in its entirety, the carrier who filed such schedule shall immediately file with the Commission a consecutively numbered supplement to the schedule which shall not bear an effective date but which shall quote in full the Commission's order of suspension, followed by a statement that by reasons of the Commission's order the use and application of the suspended publication or portions thereof is deferred for the period prescribed in the suspension order. Such supplement shall give specific reference by MF-I.C.C. number or numbers to the schedule or schedules where rates, charges, rules, regulations, or practices continued in effect by the suspension order will be found. The carrier who filed the schedule which has been suspended in part or in its entirety shall also comply with such other instructions as may be furnished it with the order of suspension.

[F.R. Doc. 60-3224; Filed, Apr. 7, 1960; 8:48 a.m.]

¹ See note in § 187.10.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 6]

MIGRATORY BIRDS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to section 4(a) of the Administrative Procedure Act approved June 11, 1946 (60 Stat. 237), the Director, Bureau of Sport Fisheries and Wildlife proposes to recommend the adoption by the Secretary of the Interior, under authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), of amendments to Part 6, Title 50, Code of Federal Regulations. These amendments will specify open seasons, certain closed seasons, hunting methods, shooting hours, possession, transportation and importation controls, and bag and possession limits for migratory game birds.

The proposed amendments specifying open seasons and bag limits for migratory game birds, except waterfowl, coot and Wilson's snipe (but including scoter, eider and old-squaw ducks in open coastal waters beyond outer harbor lines in certain North Atlantic Coastal States and waterfowl, coot and Wilson's snipe in Alaska) and those relating to other matters will be proposed for final adoption not later than August 1, 1960, to become effective September 1, 1960. Proposed amendments specifying open seasons, bag and possession limits, and shooting hours for other waterfowl, coots and Wilson's snipe will be proposed for adoption on or about September 1, 1960, to become effective on or about October 1, 1960.

On the basis of final decisions to be reached at the conclusion of studies now in progress, and having due consideration for any views or data submitted by interested parties, the Director may recommend the adoption by the Secretary of other amendments to Part 6. At the present time consideration is being given to recommending adoption of proposed amendments as set forth below.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to these proposed amendments to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of publication of this notice in the FEDERAL REGISTER.

1. Section 6.3 (a) (1) and (b) (1) and (2) is amended to read as follows:

§ 6.3 Hunting methods.

(a) *Permitted methods.* Migratory game birds may be taken;

(1) By the aid of a dog, with longbow and arrow or with a shotgun (not larger than No. 10 gauge and incapable of holding more than three shells) fired from the shoulder.

(b) *Prohibited methods.* Migratory game birds may be taken;

(1) With a trap, snare, net, crossbow and arrow, rifle, swivel gun or machine gun;

(2) With a shotgun of any description originally capable of holding more than three shells, the magazine of which has not been cut off, altered, or plugged with a one-piece filler, incapable of removal without disassembling the gun, so as to reduce the capacity of the said gun to not more than three shells in the magazine and chamber combined.

2. Section 6.6 is revised by changing the wording of paragraph (a), revoking paragraph (b), and redesignating paragraphs (c), (d), and (e) as (b), (c), and (d), respectively, to read:

§ 6.6 Transportation into, within, or out of any State.

Any person, without a permit, may transport lawfully killed migratory game birds into, within, or out of any State during and after the open seasons in the State where taken, subject to the conditions and restrictions specified in this section.

(a) If such birds, except mourning and white-winged doves, are dressed, the head, head plumage, and feet must remain attached in such manner as to permit identification of their species while being transported between the place where taken and the personal abode of the possessor or between the place where taken and a commercial preservation facility.

(b) Any such birds transported from any State not later than 48 hours following the close of the open season therein may continue in transit for such additional time immediately after shipment, not to exceed 5 days, as is necessary to deliver them to their destination.

(c) Any package or container in which such birds are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds contained therein clearly and conspicuously marked on the outside thereof.

(d) Nothing in this section shall be deemed to permit the importation of such birds from a foreign country.

3. Section 6.9 is revised to read:

§ 6.9 Possession for purposes of processing, transportation or storage.

No person, other than the person who has lawfully taken such birds, shall receive, possess, or have in custody migratory game birds for picking, cleaning, processing, shipping, or for transportation or storage (including temporary storage) unless such birds have a tag at-

tached signed by the hunter stating his address, the total number and kinds of birds, and the date killed. Any commercial picking establishment, cold-storage or locker plant receiving, possessing, or having in custody migratory game birds shall maintain accurate records showing the numbers and kinds of such birds, the dates received and disposed of, and the names and addresses of the persons from whom such birds are received and to whom such birds are delivered. Any person authorized to enforce this part may enter such establishments or plants at all reasonable hours and inspect the premises and records where operations are being carried on. The records so required to be maintained shall be retained by the person or persons responsible for their preparation and maintenance for one year following the close of the open season on migratory game birds prescribed for the State in which such picking establishment, cold-storage or locker plant is located.

4. Section 6.11 is revised by changing the headnote and text to read:

§ 6.11 Wounded, live migratory game birds.

Every migratory game bird wounded by hunting and reduced to possession by the hunter shall be immediately killed and become a part of the daily bag limit.

D. H. JANZEN,
Director, Bureau of
Sport Fisheries and Wildlife.

APRIL 5, 1960.

[F.R. Doc. 60-3231; Filed, Apr. 7, 1960; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

[Docket No. AO 198-A 4]

RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

Notice of Hearing With Respect to Proposed Amendments to Marketing Agreement and Order, as Amended

Pursuant to the Agricultural Marketing Agreement Act, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the tenth floor auditorium, Pacific Gas and Electric Building, 1401 Fulton Street, Fresno, California, beginning at 9:30 a.m., P.s.t., April 20, 1960, with respect to proposed further amendments to Marketing Agree-

ment No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence relating to the proposed amendments which are hereinafter set forth, or any appropriate modifications thereof or additions thereto.

The following amendments have been proposed by the Raisin Administrative Committee, the administrative agency for operations under the marketing agreement and order, as amended:

1. Delete § 989.5.
2. Renumber § 989.6 as § 989.5 and amend it to read as follows:

§ 989.5 Raisins.

"Raisins" means grapes grown in the area of the following varieties or any other variety of grapes from which a part of the natural moisture has been removed by sun-drying or artificial dehydration after such grapes have been removed from the vines: (Thompson Seedless (or Sutanina), Muscat of Alexandria (or Muscat), Muscatel Gordo Blanco (or Muscat), Black Corinth (or Zante Currant), White Corinth (or Zante Currant), Seedless Sultana (or Sultana), Alicante Bouschet, Cardinal, Carignane, Italia, Malaga, Monukka, and Zinfandel.

3. Renumber § 989.7 as § 989.6.
4. Renumber § 989.8 as § 989.7.
5. Renumber § 989.9 as § 989.8.
6. Renumber § 989.10 as § 989.9.
7. Renumber § 989.11 as § 989.10 and amend it to read as follows:

§ 989.10 Varietal type.

"Varietal type" means raisins generally recognized as possessing characteristics differing from other raisins in a degree sufficient to make necessary or desirable separate identification and classification. Varietal types are the following: Natural (sun-dried) Thompson Seedless, natural (sun-dried) Muscats, natural (sun-dried) or artificially dehydrated Sultanas, natural (sun-dried) or artificially dehydrated Zante Currants, Layer Muscats, Golden Seedless, Sulfur Bleached, Soda Dipped, Valencia, Alicante Bouschet, Cardinal, Carignane, Italia, Malaga, Monukka, Zinfandel, and such others as the committee may from time to time, and subject to approval of the Secretary, deem it necessary or desirable to be separately identified and classified or to be changed in identification or classification.

8. Renumber § 989.12 as § 989.11 and amend it to read as follows:

§ 989.11 Producer.

"Producer" means any person engaged, in a proprietary capacity, as a grape grower, in the production of natural (sun-dried) raisins, or any person engaged, in a proprietary capacity, in the production of grapes used in the production of bleached raisins or other raisins produced by artificial dehydration.

9. Renumber § 989.13 as § 989.12 and amend it to read as follows:

§ 989.12 Dehydrator.

"Dehydrator" means any person who produces raisins by dehydrating grapes by means of artificial heat.

10. Renumber § 989.14 as § 989.13.
11. Renumber § 989.15 as § 989.14 and amend it to read as follows:

§ 989.14 Packer.

"Packer" means any person who, within the area, stems, sorts, cleans, or seeds raisins, grades stemmed raisins, or packages raisins for market as raisins: *Provided*, That any producer or dehydrator shall be deemed to be a packer, with respect to the raisins produced or dehydrated by him only if he stems, cleans with water, seeds or packages them for market as raisins.

12. Renumber § 989.16 as § 989.15 and amend it to read as follows:

§ 989.15 Handler.

"Handler" means any processor or packer, or any other person, who ships natural condition raisins out of the area or any person, other than the producer thereof, who blends raisins. However, the foregoing shall not be deemed or construed to include a producer engaged, in his capacity as a producer, in the usual and customary practices of harvesting and preparing raisins for market.

13. Add a new § 989.16 to read as follows:

§ 989.16 Blend.

"Blend" means to mix or mingle raisins.

14. Amend § 989.21 to read as follows:

§ 989.21 Crop year.

"Crop year" means the 12-month period beginning with September 1 of any year and ending with August 31 of the following year.

15. Amend § 989.22 to read as follows:

§ 989.22 District.

"District" means any one of the geographical areas referred to in § 989.26 and specified in § 989.96 (Exhibit A), or as modified pursuant to § 989.26b.

16. Amend § 989.24 to read as follows:

§ 989.24 Standard raisins and off-grade raisins.

(a) "Standard raisins" means raisins which are capable of meeting or have been certified as meeting the then effective minimum grade and condition standards for natural condition raisins.

(b) "Off-grade raisins" means raisins which are incapable of meeting or fail to meet the then effective minimum grade and condition standards for natural condition raisins.

17. Amend § 989.25 to read as follows:

§ 989.25 Part and subpart.

"Part" means the order regulating the handling of raisins produced from grapes grown in California, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of raisins produced from grapes

grown in California shall be a "subpart" of such part.

18. Amend § 989.26 (b) and (c) to read as follows: "(b) two members selected from and representing the three handlers, other than cooperatives, who acquired the largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; (c) one member selected from and representing the two handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year;"

19. Amend the next to last sentence of § 989.26(e) to read as follows: "The 36 producer members shall be selected in the number and for the districts as designated in § 989.96 (Exhibit A), or as such numbers or districts may be changed pursuant to § 989.26b."

20. Add a new § 989.26a to read as follows:

§ 989.26a Changes in handler representation.

The Secretary, on recommendation of the committee, may change the total number of handler members and their alternates on the board, may change the handler size groups set forth in § 989.26 from which handler members and alternates shall be selected, or may change the number of handlers and their alternates to represent each such size group. Any such change shall be designed, insofar as practical, to reflect changes in the numbers of handlers, relative raisin acquisition positions of handlers, or mutual interest groupings.

21. Add a new § 989.26b to read as follows:

§ 989.26b Changes in producer representation.

The Secretary, on recommendation of the committee, may change the total number of producer members and their alternates on the board, may change the number of districts designated in § 989.96 (Exhibit A), may redefine such districts into which the production area is divided, or may change the number of producers and their alternates which shall be selected to represent particular districts. In making any such change consideration shall be given to changes in the numbers of producers and in the raisin production within the area, among other factors.

22. Delete § 989.96 (g) and (h) and provide in lieu thereof for a new District No. 21 to include all of the counties presently included in District Nos. 21 and 22, with three producer members to represent new District No. 21 on the Raisin Advisory Board.

23. In view of proposed amendments numbered 8, 18, 19, 20, 21, and 22, consider and make such changes in the provisions of §§ 989.26 to 989.37, inclusive, as may be required to integrate and conform such provisions with these proposals.

24. Amend the first two sentences of § 989.29(b) (2) to read as follows: "Only producers engaged as such during the then current crop year in the respective district for which nominations are to be made may nominate, or vote for, any pro-

ducer member or producer alternate member for such district. Any producer engaged as such during the then current crop year in any of the districts may be nominated to represent any district as producer member or producer alternate member of the board, except that a producer may be a nominee from only one district: *Provided*, That at least one of the persons nominated for a producer member position on the board and his alternate shall be producers of grapes used in the production of Golden Seedless raisins."

25. Amend § 989.34 to read as follows:

§ 989.34 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member, or as an alternate member of the board to qualify, or in the event of the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated and selected in the manner set forth in §§ 989.29 and 989.30, insofar as such provisions are applicable. If nomination to fill any vacancy is not filed within 40 calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nomination, but in accordance with §§ 989.26, 989.26a, or § 989.26b and 989.27.

26. Amend § 989.37(a) to read as follows:

§ 989.37 Procedure.

(a) Except as otherwise provided in § 989.42 all decisions of the board shall be by majority vote of the members present. The presence of not less than 19 producer members and not less than five members other than producer members shall be required to constitute a quorum: *Provided*, That the Secretary, on recommendation of the committee, may change such quorum requirement if a change is made pursuant to § 989.26a in the total number of handler members and their alternates on the board or if a change is made pursuant to § 989.26b in the total number of producer members and their alternates on the board.

27. Amend § 989.39 (b) and (c) to read as follows: "(b) the three handlers, other than cooperatives, who acquired the largest percentages of total raisin acquisitions during the 12-month period preceding the then current crop year; (c) the two handlers, other than cooperatives, who acquired the next largest percentages of total raisin acquisitions during the 12-month period preceding the then current crop year;"

28. Add a new § 989.39a to read as follows:

§ 989.39a Changes in handler representation.

The Secretary, on recommendation of the committee, may change the total number of handler members and their alternates on the committee, may change the handler size groups set forth in § 989.39 from which handler members and alternates shall be selected, or may change the number of handlers and their alternates to represent each such size

group. Any such change shall be designed, insofar as practical, to reflect changes in the numbers of handlers, relative raisin acquisition positions of handlers, or mutual interest groupings.

29. Add a new § 989.39b to read as follows:

§ 989.39b Changes in producer representation.

The Secretary on recommendation of the committee, may change the total number of producer members and their alternates on the committee.

30. In view of proposed amendments numbered 8, 27, 28, and 29, consider and make such changes in the provisions of §§ 989.39 to 989.52, as may be required to integrate and conform such provisions with these proposals.

31. Amend § 989.47 to read as follows:

§ 989.47 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated and selected in the manner set forth in §§ 989.42 and 989.43, insofar as such provisions are applicable. If nomination to fill any such vacancy is not made within 40 calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, but in accordance with § 989.39, § 989.39a, or § 989.39b, and § 989.40.

32. Amend the third sentence of § 989.52(a) to read as follows: "The presence of nine members shall be required to constitute a quorum: *Provided*, That the Secretary, on recommendation of the committee, may change such quorum requirement if a change is made pursuant to § 989.39a in the total number of handler members and their alternates on the committee or if a change is made pursuant to § 989.39b in the total number of producer members and their alternates on the committee."

33. Amend § 989.53 to read as follows:

§ 989.53 Research and development.

The committee may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of raisins. No such project shall be undertaken until the committee files with the Secretary complete information regarding the proposed project and the committee is informed that the Secretary either has no objection to, or has approved, the proposal. The Secretary may disapprove any such proposal. Subject to no objection as aforesaid, the committee may establish or provide for the establishment of such projects which are designed to:

(a) Improve through research the accuracy of raisin production estimates;

(b) Improve through research the preparation for market, sanitation, quality, condition, storability, processing or packaging of raisins;

(c) Ascertain through research the factors affecting acceptance of raisins by manufacturers or consumers;

(d) Find through research new uses or means of expanding existing uses of raisins;

(e) Reduce restrictions on, and barriers to, the marketing, distribution, or consumption of raisins in domestic or foreign trade channels; and

(f) Promote the marketing, distribution, or consumption of raisins in domestic or foreign markets by collecting data thereon or consulting with distributors, brokers, retailers, importers, or other persons.

The establishment of any other marketing research and development projects shall require prior approval by the Secretary. The expense of such projects shall be paid from funds collected pursuant to § 989.79, except that the expense of any such project as may relate solely to promoting the consumption of surplus tonnage raisins in export outlets as authorized in § 989.68(f) shall be paid from funds collected pursuant to § 989.82. If the project covers not only the disposition of surplus tonnage raisins in export but is also designed to assist, improve, or promote the marketing, distribution, or consumption of raisins generally, over a period of time, the expense of the project including, but not limited to, any travel expense, may be allocated between the assessment fund and the pool fund on a cost accounting basis.

34. Amend § 989.54 to read as follows:

§ 989.54 Marketing policy.

Prior to or simultaneously with making its recommendation to the Secretary for fixing the initial free, reserve, and surplus percentages for any crop year (which shall be not later than October 5 of such crop year unless this date is extended by the committee not more than five days as provided in § 989.63(a)), the committee shall hold a meeting to formulate and adopt a marketing policy for the marketing of raisins for the crop year and shall submit promptly to the Secretary a report setting forth its marketing policy for the regulation of the handling of raisins in such crop year. The report shall include the data and information used by the committee in formulating the marketing policy, and the recommendation of the board. In developing the marketing policy, the committee shall give consideration to the following factors with respect to raisins and also to such factors with respect to each varietal type when necessary or advisable in view of the intended regulations for the crop year:

(a) The estimated tonnage held by producers, handlers, and for the account of the committee at the beginning of the crop year;

(b) The estimated tonnage which will be produced;

(c) The estimated trade demand for raisins in the Western Hemisphere;

(d) An estimated desirable carryout at the end of the crop year, separately, if applicable, for free tonnage and surplus tonnage;

(e) The estimated market requirement for raisins outside the Western Hemisphere, in absence of and in view of the intended regulations, considering the estimated world raisin supply and demand situation;

(f) Current prices being received for raisins by producers and handlers;

(g) The trend and level of consumer income;

(h) The expected general quality of raisins and any intended modifications of the minimum grade standards; and

(i) Any other pertinent factors bearing on the marketing of raisins.

35. Amend § 989.58 to read as follows:

§ 989.58 Natural condition raisins.

(a) *Regulation.* No handler shall acquire or receive natural condition raisins which fail to meet the minimum grade and condition standards as set forth in § 989.97 (Exhibit B) or as later modified or added to: *Provided*, That a handler may receive raisins for inspection, may receive off-grade raisins for reconditioning, and may receive or acquire off-grade raisins for use in distillation, animal feed, or outlets other than for human consumption: *And provided further*, That nothing contained in this paragraph shall prohibit the acquisition or receipt of natural condition raisins for which minimum grade and condition standards have not been prescribed.

(b) *Modification of minimum grade and condition standards for natural condition raisins.* The committee may recommend to the Secretary modifications of the minimum grade and condition standards for natural condition raisins of any varietal type, as set forth in § 989.97 (Exhibit B), or additional such standards, and shall submit with its recommendation all data and information upon which it acted in making its recommendation, and such other information as the Secretary may request. The Secretary shall issue such modification of or addition to the minimum grade and condition standards for natural condition raisins if he finds upon the basis of data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act.

(c) *Publicity and notice.* The committee shall give prompt and reasonable publicity to producers, dehydrators, and handlers of each recommendation submitted by it to the Secretary and of each regulation issued by the Secretary. Notice of such regulation shall be given to all handlers by registered or certified mail.

(d) *Inspection and certification.* Each handler shall cause an inspection and certification to be made of all natural condition raisins acquired or received by him, except with respect to an inter-plant or inter-handler transfer as described in § 989.59(e), except with respect to raisins received from a dehydrator which have previously been inspected pursuant to the provisions of § 989.58(f), and except with respect to any raisins for which minimum grade and condition standards have not been prescribed. The cost of all such inspection shall be borne

initially by the handler but he shall be reimbursed by the committee for inspection costs applicable to pool tonnage held for the account of the committee. Prior to acquiring raisins, storing raisins, reconditioning raisins, or acquiring raisins which have been reconditioned, or upon receipt of raisins for disposition pursuant to the provisions of § 989.59(f), each handler shall obtain an inspection certificate showing whether or not the raisins meet the applicable grade and condition standards: *Provided*, That this shall not preclude fumigation by the handler prior to completion of inspection and certification in accordance with such rules and procedures as the committee shall establish with the approval of the Secretary. The handler shall submit or cause to be submitted to the committee a copy of such certificate, together with such other documents or records as the committee may require. Such certificate shall be issued by inspectors of the Processed Products Standardization and Inspection Branch of the United States Department of Agriculture, unless the committee determines, and the Secretary concurs in such determination, that inspection by another agency would improve the administration of this amended subpart. The committee may require that raisins held on memorandum receipt be re-inspected and certified as a condition for their acquisition by a handler.

(e) *Options as to off-grade natural condition raisins.* Any natural condition raisins received by a handler which fail to meet the applicable minimum grade standards may: (1) Be returned to the person delivering the raisins; (2) be received by the handler for reconditioning; or (3) be received by the handler for disposition pursuant to the provisions of § 989.59(f), without further inspection, for distillation, animal feed, or uses other than for human consumption. Off-grade raisins received under any of the three options described in the preceding sentence may be changed from one category to another under such rules and procedures as the committee, with the approval of the Secretary, shall establish. If the handler is to acquire such raisins after they are reconditioned, his obligations with respect to such raisins shall be based on the weight of the raisins (if stemmed, adjusted to natural condition weight) after they have been reconditioned. If after such reconditioning, such raisins meet the minimum grade standards but are no longer natural condition raisins, any handler who acquires such raisins shall meet his surplus and reserve tonnage obligations from natural condition raisins acquired by him. Any off-grade raisins (including stemmer waste and raisin offal) accumulated as a final residual by a handler in reconditioning raisins shall, during or after reconditioning has been completed, be disposed of by the handler, without further inspection, for distillation, animal feed, or uses other than for human consumption. Off-grade raisins received by a handler for reconditioning shall be kept by him separate and apart from all other raisins, and shall be separately identified as such, until after the raisins have been reconditioned and the quality

of the raisins is established by inspection and certification. Raisins received by a handler pursuant to subparagraph (3) of this paragraph for disposition pursuant to § 989.59(f) shall also be kept by him separate and apart from all other raisins and shall be separately identified as such. Similarly the handler shall keep separate and apart from all other raisins, and shall keep separately identified as such, any unsuccessfully reconditioned raisins held by him. The committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure adequate control over the handling of off-grade raisins, including, but not limited to, the reconditioning of off-grade raisins, the use of raisins which have not been successfully reconditioned, and the use of residual matter from such reconditioning operations.

(f) *Inspection at dehydrator.* The committee may authorize the inspection on the dehydrator's premises of natural condition raisins produced by a dehydrator in accordance with the rules and procedures established by the committee with approval of the Secretary. In the event there shall have been full compliance with such rules and procedures, such raisins shall be deemed to have satisfied the requirements contained in § 989.58(d) that the handler thereof shall cause an inspection and certification to be made. If the cost of such inspection and certification is paid by the dehydrator, the handler shall be exempt from the obligation to pay such costs as required in § 989.58(d).

(g) *Inter-plant and inter-handler transfers of off-grade raisins.* If off-grade raisins are not returned to the person delivering the same, such raisins may be transferred by the handler receiving them from his plant to his own or another handler's plant within the State of California under such rules and procedures as the committee, with the approval of the Secretary, may establish.

(h) *Blending.* No handler shall blend raisins except incidental to reconditioning raisins having similar defects or by mixing standard raisins with standard raisins. No off-grade lots may be reconditioned by blending them with raisins acquired as standard raisins.

36. Amend § 989.97 (Exhibit B) to add minimum grade and condition standards for natural condition raisins of the proposed new varietal types set forth in proposed § 989.10, and amend § 989.59 (a) to add minimum grade standards for packed raisins of such proposed new varietal types.

37. Amend § 989.59 (b) and (c) to read as follows:

§ 989.59 Regulation of raisins subsequent to their acquisition by handlers.

* * * * *

(b) *Modification of or addition to minimum grade standards for packed raisins.* The committee may recommend to the Secretary modifications of the minimum grade standards for packed raisins of any varietal type as prescribed in paragraph (a) of this section, or addi-

tional standards, and shall submit with its recommendation all data and information upon which it acted in making its recommendation, and such other information as the Secretary may request. The Secretary shall issue such modification or addition if he finds upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act.

(c) *Publicity and notice.* The committee shall give prompt and reasonable publicity to producers, dehydrators, and handlers of each recommendation submitted by it to the Secretary and of each regulation issued by the Secretary. Notice of each such regulation shall be given to all handlers by registered or certified mail.

38. Delete § 989.60.

39. Renumber § 989.61 as § 989.60.

40. Renumber § 989.62 as § 989.61 and amend it to read as follows:

§ 989.61 Above-parity situations.

(a) *Continuance of grading and inspection requirements.* The provisions of this part, including but not limited to the provisions of §§ 989.58 and 989.59, and relating to minimum grade and condition standards and inspection requirements, within the meaning of section 2(3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the estimated season average price to producers for raisins is in excess of the parity level specified in section 2(1) of the act.

(b) *Modification of minimum standards.* Should there occur (1) technological changes or advances in production, processing or packing operations; or (2) changes in consumer or user preferences; or (3) conditions requiring more precise correlation of incoming and outgoing standards; or (4) changes in economic factors affecting the orderly marketing of the available supply of raisins making necessary in the public interest modifications in applicable standards of quality and maturity; then and in any such event the committee may recommend to the Secretary modifications of the minimum grade and maturity standards herein provided for natural condition and packed raisins of any or all varietal types. The committee shall submit with its recommendation all data and information upon which it acted in making the recommendation, and such other information as the Secretary may request. The Secretary shall issue such modification if he finds upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act.

41. Add a new § 989.62 to read as follows:

§ 989.62 Unfair methods of competition and unfair trade practices.

Whenever the Secretary finds for any crop year, upon recommendation of the

committee or other information, that continuance of certain practices in trade channels would tend to disrupt the orderly marketing of raisins under this part, he may prohibit handlers from using such practices. The prohibited practices may include:

(a) Any agreement within a contract containing a firm price, or action outside such contract, to protect the buyer of raisins in containers exceeding four pounds net weight against price decline.

(b) Any agreement within a contract, or action outside such contract, whereby a commitment to reserve and deliver raisins in containers exceeding four pounds net weight, is restricted as to increases in market prices. This shall not prevent options for the purpose of bidding on Governmental contracts.

42. Amend § 989.63(b) by deleting all of such provisions and substituting therefor the following:

(b) The committee may, for any crop year, recommend to the Secretary a formula for computing the free, reserve, and surplus percentages for any varietal type of raisins.

43. Amend the second sentence of § 989.64(c) to read as follows: "The committee shall give prompt and reasonable publicity thereof to producers and shall notify handlers and dehydrators of such percentages by registered or certified mail."

44. Amend § 989.65 to read as follows:
§ 989.65 Free tonnage.

The standard raisins acquired by a handler which are designated as or deemed to be free tonnage may be disposed of by him in any marketing channel, subject to the applicable provisions of this amended subpart. Free tonnage of a varietal type shall be deemed to include all standard raisins of that varietal type when no pool is established for such varietal type for the crop year.

45. Amend § 989.66(b)(2) to read as follows:

(2) Reserve tonnage and surplus tonnage acquired or held by a handler may be stored together but shall be stored separate and apart from other raisins to such extent and identified in such manner as the committee may specify by its rules and procedures with the approval of the Secretary.

46. Amend § 989.66(e)(4) by changing the date of "February 1" wherever it appears in such subparagraph (4) to "November 1" and by changing the date of "January 31" wherever it appears in such subparagraph to "October 31."

47. Amend § 989.66(e)(4)(iv) by deleting all of such provisions and substituting therefor the following:

(iv) At any time during a crop year when there is an accumulation of unsold surplus tonnage raisins previously offered by the committee for sale to handlers for resale in export, the committee may make a special offer to sell such unsold tonnage, or any portion thereof, to handlers for resale in export. Each handler's share of any such offer shall be computed by applying his current

season acquisition percentage. The committee may provide with respect to such a special offer that any surplus tonnage unpurchased in the share reservation period will be reoffered to handlers without regard to shares and that approvals for handlers' applications for purchase may be made in the same order in which the applications are received by the committee. The committee may allocate and deliver to any handler, holding insufficient special offer tonnage, sufficient such tonnage to fulfill his share of such a special offer and his purchase in any reoffer. The cost of transporting any such surplus tonnage raisins from one handler to another shall be paid by the committee from surplus pool funds.

48. Amend the third sentence of § 989.66(f) to provide that a handler may use certified mail or registered mail to request the committee to remove the surplus tonnage referred to in such sentence.

49. Amend § 989.68(a) to read as follows:

§ 989.68 Disposal of surplus raisins.

(a) The committee shall dispose of all surplus tonnage raisins in such a manner as to achieve, as nearly as may be practicable, complete disposal of such raisins by or before November 1 of the subsequent crop year. Any surplus tonnage raisins held unsold by the committee on November 1 of the subsequent crop year shall be physically disposed of promptly in any available outlet not competitive with normal market channels for free tonnage raisins or sales of surplus tonnage raisins in export: *Provided*, That whenever the Secretary approves a finding by the committee, or finds on the basis of information otherwise available to him that because of national emergency, crop failure, or other major change in economic conditions, retention of surplus raisins carried over is warranted, the foregoing requirement as to disposal shall not apply, and the committee may then sell any of such surplus tonnage raisins as though they were reserve tonnage raisins.

50. Amend the provisions of § 989.68(d) to read as follows:

(d) Surplus tonnage raisins shall be sold to handlers at prices and in a manner intended to maximize producer returns and achieve complete disposition of such raisins by or before November 1 of the subsequent crop year. No offer to sell surplus tonnage raisins to handlers shall be made by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, and price involved in such offer, and the Secretary may disapprove the offer or any term thereof: *Provided*, That at any time prior to the expiration of the five-day period the offer may be made to handlers upon the committee receiving from the Secretary notice that he does not disapprove the making of the offer. The committee may withdraw an offer to sell surplus tonnage raisins to

handlers for export or may extend the offer period, subject nevertheless to the same conditions as are set forth in the preceding sentence with respect to the making of such offers.

51. Amend § 989.68(f) to read as follows:

(f) The committee may undertake market research or market development projects to promote the consumption of surplus tonnage raisins in existing export outlets or in new export outlets.

52. Amend § 989.68(g) to read as follows:

(g) The committee may, subject to the disapproval of the Secretary, refuse to sell surplus tonnage raisins for export: (1) To any handler who is in default on any previous purchase of surplus tonnage raisins from the committee, (2) to any handler currently not in compliance with the provisions of a sales agreement covering surplus tonnage raisins executed by such handler with the committee, or (3) to any or all handlers who signify an intention to sell the same to or through any person who has previously failed or neglected to complete a sale of surplus tonnage raisins to a foreign buyer and such raisins remain unsold in eligible export markets.

53. Add a new § 989.68(i) to read as follows:

(i) In any season in which the committee determines, prior to or at the beginning of the crop year, and the Secretary approves, that the orderly disposition of surplus would be promoted by replacing handler shipments of free tonnage made prior to the first surplus offer but subsequent to September 1, with surplus tonnage made available in the first such offer, it may do so and may specify such requirements as are consistent with the provisions of this amended subpart. The committee may establish a price for such replacement tonnage which is higher or lower than that for other tonnage in the first offer and may announce such replacement tonnage price prior to or at the beginning of the crop year.

54. Add a new § 989.71 to read as follows:

§ 989.71 Disposition of unsold reserve and surplus tonnage in above-parity situations.

In the event that the Secretary should find, during a crop year when reserve or surplus tonnage withholding requirements have been in effect pursuant to this part, that the estimated season average price for raisins for that crop year will be in excess of the price level contemplated by the provisions of section 2(1) of the act, he shall issue an order providing for the orderly disposition of the unsold reserve and surplus tonnage, then on hand, in such outlets, at such times, and in accordance with such terms and conditions, as he may determine to be appropriate in the circumstances. In determining what terms and conditions shall be imposed, the Secretary shall give consideration to recommendations, if

any, which may be submitted by the committee.

55. Add a new § 989.72 to read as follows:

§ 989.72 Exemption of educational institutions.

The committee may exempt, wholly or in part, from the volume regulations provisions of this part, public or private educational agencies or institutions handling or acquiring raisins in connection with teaching, experimental, or research activities.

56. Amend § 989.73(b) to read as follows:

(b) *Acquisition reports.* Each handler shall submit to the committee in accordance with such rules and procedures as are prescribed by the committee, with the approval of the Secretary, certified reports, for such periods as the committee may require, with respect to his acquisitions of each varietal type of raisins during the particular period covered by such report, which report shall include, but not be limited to: (1) The total quantity acquired; (2) the quantity of reserve and surplus tonnages referable to his acquisitions of standard raisins; (3) the locations of such reserve and surplus; and (4) cumulative totals of such acquisitions from the beginning of the then current crop year to and including the end of the period for which the report is made. Upon written application made to the committee, a handler may be relieved of submitting such reports upon completing his packing operations for the season. Upon request of the committee, each handler shall furnish to the committee, in such manner and at such times as it may require the name and address of each person from whom he acquired raisins and the quantity of each varietal type of raisins acquired from each such person.

57. Amend § 989.75 by deleting therefrom the following phrase: "or to the committee in connection with its investigations of alleged violations."

58. Amend § 989.80 by inserting between the second and third sentence of such section the following sentence: "In any crop year when no pool for a varietal type has been established, all standard raisins of such varietal type acquired by each handler shall be assessable tonnage pursuant to this section and § 989.79."

59. Amend § 989.91(c) to read as follows:

(c) The Secretary shall terminate the provisions of this amended subpart at the end of any crop year whenever he finds that such termination is favored by a majority of the producers, who during a representative period determined by the Secretary, have been engaged as such in the State of California: *Provided*, That such majority have, during such representative period, produced for market more than 50 percent of the volume of the raisins, and more than 50 percent of the grapes used in the production of bleached raisins and other raisins produced by artificial dehydration, produced for market within said State; but such termination shall be

effective only if announced on or before August 31 of the then current crop year.

The following amendments have been proposed by the Raisin and Grape Growers Institute, Fresno, California:

60. Amend § 989.12 to read as follows:

§ 989.12 Producer and raisin producer.

(a) "Producer" means any person engaged, in a proprietary capacity, in the production of raisin variety grapes.

(b) "Raisin producer" means any person engaged, in a proprietary capacity, in the production of raisins, or of raisin variety grapes used in the production of Golden Seedless raisins: *Provided*, That the major portion of the producer's raisin variety grape crop must have been so used in the production of Golden Seedless raisins in order to qualify him to be a "raisin producer."

61. Amend § 989.24 to read as follows:

§ 989.24 Standard raisins, Sample Grade raisins, and off-grade raisins.

(a) "Standard raisins" means raisins which have been certified as meeting the then effective minimum grade and condition standards for natural condition raisins.

(b) "Sample Grade raisins" means raisins which have been certified as meeting the then effective grade and condition standards for such Sample Grade for either natural condition or packed raisins.

(c) "Off-grade raisins" means raisins which fail to meet the then effective minimum grade and condition standards for natural condition raisins, or in those crop years when a Sample Grade has been established, raisins which fail to meet the then effective grade and condition standards for such Sample Grade.

62. Amend the first sentence of § 989.26 to read as follows: "The Raisin Advisory Board is hereby established, consisting of 46 members of whom 36 shall be raisin producers and shall represent producers, 8 shall represent handlers, and 2 shall represent dehydrators."

63. Amend the next to last sentence of § 989.26 to read as follows: "The 36 raisin producers shall be selected in the number and for the districts as designated in § 989.96 (Exhibit A)."

64. Amend § 989.27 to read as follows:

§ 989.27 Eligibility.

No person shall be selected or continue to serve as a member or alternate member of the board, who is not actively engaged in the business of the group which he represents, either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business: *Provided*, That only raisin producers who have produced raisins (or the major portion of whose raisin variety grape crop was used in the production of Golden Seedless raisins) during the then current crop year may be nominated or shall represent producers on the board: *And provided further*, That any handler eligible to represent a particular size group at the time of his selection who later falls in a different size group shall continue to

represent for the entire term the size group for which he was selected.

65. Amend the second sentence of § 989.29(b) (2) to read as follows: "Any raisin producer who produced raisins (or the major portion of whose raisin variety grape crop was used in the production of Golden Seedless raisins) during the then current crop year in any of the districts may be nominated to represent any district as producer member or producer alternate member of the board, except that a producer may be a nominee from only one district."

66. Amend the second sentence of § 989.39 to read as follows: "Such committee shall consist of 15 members, as follows: eight shall represent producers (of these eight, one shall be a producer of raisin variety grapes used in the production of Golden Seedless raisins), five shall represent handlers, one shall represent dehydrators, and one shall be the chairman of the committee representing none of the foregoing groups."

67. Amend § 989.39 by inserting between the last two sentences thereof the following sentence: "The chairman member shall be nominated by the nominee members, within three (3) calendar days after their nomination by the board, on the basis of a two-thirds (2/3) vote of the nominee members eligible to vote. A vice-chairman, who shall have the same qualifications as the chairman, shall also be nominated by the nominee members on the basis of a two-thirds (2/3) vote of the nominee members eligible to vote."

68. Amend § 989.39 by adding at the end thereof the following sentence: "The vice-chairman shall act in the place of the chairman."

69. Amend § 989.40 by inserting the following between the words "person" and "shall": ", other than the chairman or vice-chairman,".

70. Amend § 989.41 by changing that portion thereof preceding the proviso to read as follows: "Members and alternate members of the committee, including its chairman and vice-chairman, shall each serve for terms of one year, beginning on June 1, and ending on May 31 of the following year but each such member and alternate member, including the chairman and the vice-chairman, shall continue to serve until his respective successor is selected and has qualified."

71. Renumber § 989.42(d) as § 989.42(e) and add a new § 989.42(d) to read as follows:

(d) *Chairman and vice-chairman.* The nominee members of the committee shall nominate, within three (3) days of their own nomination, a chairman and vice-chairman, neither of whom shall be, or represent, a producer, handler or dehydrator. The nomination shall be by two-thirds (2/3) vote of the nominee members eligible to vote.

72. Renumber § 989.42(e) as § 989.42(f) and amend it to read as follows:

(f) *Successor members.* Nominations for successor members and alternate members of the committee, and for the chairman and vice-chairman, shall be certified by the board to the Secretary

annually within 30 days following the selection by the Secretary of board members.

73. Amend § 989.43 to read as follows:
§ 989.43 *Selection.*

The Secretary shall select producer, handler, and dehydrator members and alternate members, and the chairman and vice-chairman, of the committee in the numbers and with the qualifications specified in §§ 989.39 and 989.40. Such selections may be made by him from the nominations certified pursuant to § 989.42 or from other eligible persons, but such selections shall be made on the basis of the respective producer, handler and dehydrator representations and qualifications, and in the case of the chairman and vice-chairman, on the basis of the special qualifications, set forth in §§ 989.39 and 989.40.

74. Amend § 989.44 to read as follows:
§ 989.44 *Failure to nominate.*

In the event any of the groups entitled pursuant to § 989.42 to submit nominations to the Secretary shall fail to do so within the time specified in § 989.42, or if the nominees fail to nominate a chairman and a vice-chairman within the time specified in § 989.42, the Secretary may select the particular members or alternate members and the chairman or vice-chairman of the committee without regard to nominations, but such selections shall be on the basis of the applicable representations and/or qualifications set forth in §§ 989.39 and 989.40.

75. Amend § 989.45 to read as follows:
§ 989.45 *Acceptance.*

Each person selected by the Secretary as a member or as an alternate member, or as chairman or vice-chairman of the committee shall, prior to serving on the committee, qualify by filing with the Secretary a written acceptance within 10 calendar days after being notified of such selection.

76. Amend § 989.46 to read as follows:
§ 989.46 *Alternate members.*

An alternate for a member of the committee, or the chairman thereof, shall act in the place and stead of such member or chairman, respectively: (a) During his absence, and (b) in the event of his removal, resignation, disqualification, or death until a successor for such member's or chairman's unexpired term has been selected and has qualified.

77. Amend § 989.48 by renumbering the present provisions thereof as § 989.48(a) and adding thereto a new paragraph (b) to read as follows:

(b) *Chairman and vice-chairman.* The chairman of the committee, and the vice-chairman when acting in his stead, shall be paid the sum of Fifty Dollars (\$50.00) for each day devoted to work of the Raisin Administrative Committee, including attendance at any meetings of the Raisin Advisory Board, the Raisin Administrative Committee or any subcommittee thereof; and shall be reimbursed for all necessary traveling expenses incurred on committee's business

at the same rate and on the same basis as provided for members of the committee.

78. Amend the next to last sentence of § 989.58(d) to read as follows: "Such certificates shall be issued by inspectors of an Inspection Agency selected by the committee."

79. Amend § 989.58(e) by inserting between the last two sentences thereof the following new sentence: "All off-grade raisins received by a handler for reconditioning in the period between September 1 and January 15 of any crop year, pursuant to a written agreement, shall be reconditioned promptly, but not later than March 15 of the crop year. Any natural condition raisins received by a handler after January 15 shall be reconditioned within 60 days, but in any event not later than August 15."

80. Amend § 989.58(e) by adding the following new proviso at the end of such paragraph: "Provided, That the right of any producer or tenderer to the return to him of any natural condition raisins, which failed to meet the applicable minimum grade standards when presented for inspection pursuant to this Order, shall not be abrogated by handlers through the use of pre-printed contracts carrying a provision that if the raisins fail to meet incoming grade standards, such raisins are automatically left with the packer for reconditioning at the packer's option and at his posted charge for such reconditioning."

81. Add a new § 989.58(f) to read as follows:

(f) In any crop year when unseasonal rains or other climatic disturbances have affected a substantial portion of the raisin crop, the committee may establish, with the approval of the Secretary, a Sample Grade with respect to natural condition raisins, to provide for the orderly and economic disposition of natural condition raisins so affected. Notwithstanding the provisions of paragraph (a) of this section, a handler may acquire or receive natural condition raisins which meet such grade and condition standards for Sample Grade. Sample Grade raisins received by a handler for processing shall be kept by him separate and apart from all other raisins until after such processing has been completed. There shall be no commingling of Sample Grade raisins with standard raisins before, during or after processing.

82. Add a new § 989.58(g) to read as follows:

(g) *Raisin storage areas.* Notwithstanding other provisions contained in this subpart, a handler may receive natural condition raisins without an incoming inspection if such natural condition raisins were originally inspected at a raisin storage area operated by a growers' cooperative organization not otherwise qualified as a handler. To be eligible for such transfers of raisins without mandatory second inspections when received by a handler, the growers' cooperative organization shall make arrangements that all natural condition raisins received at the raisin storage area(s) operated by it shall be inspected

by inspectors of the inspection agency, and that the storage of such raisins shall conform to the requirements set by the inspection agency, including periodic surveillance by inspectors of said inspection agency. The committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure adequate control over the transfer of such raisins to a handler.

83. Amend the next to last sentence of § 989.59(d) to read as follows: "The certificate shall be issued by the Inspection Agency selected by the committee."

84. Add a new § 989.62a to read as follows:

§ 989.62a Unfair methods of competition and unfair trade practices.

(a) *Prohibition.* The following methods of competition and trade practices are deemed to be unfair and are prohibited and no handler shall:

(1) Sell surplus tonnage raisins into export in such a manner as to disrupt export markets, by selling surplus tonnage raisins at a markup over and above the committee's offering price which does not reflect packing costs and a reasonable overhead charge. The committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary for the proper administration of this subpart.

(2) Engage in such unfair methods of competition or unfair trade practices as may be presented for approval at the hearing and adopted as part of this order.

85. Add a new § 989.62b to read as follows:

§ 989.62b Price filing and posting.

(a) *Establishment.* Whenever the committee concludes that the supply and demand conditions for raisins make it advisable to designate the percentage of standard raisins acquired by handlers in any crop year which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, it shall concurrently recommend to the Secretary the effective date for the filing by handlers in the manner hereinafter prescribed, a schedule of minimum prices, including any discounts, terms and conditions of sale, at which such handlers quote, offer for sale, or sell any variety of raisins. Such schedules of prices may cover one or more varieties of raisins and for domestic sales or for export sales or for both, as recommended by the committee and approved by the Secretary.

(b) *Filing and posting of price schedules.* On the effective date, as recommended by the committee and approved by the Secretary, each handler shall file with the committee a complete schedule of minimum prices, including discounts, terms and conditions of sale, at which he quotes, offers for sale, or sells any regulated variety of raisins. Each handler shall file minimum prices, including discounts, terms and conditions of sale, separately for domestic sales when so regulated and for export sales when so regulated. During such regulated period no handler shall quote, offer for sale or sell any variety of raisins so regulated at prices lower than the prices filed by him.

All such price schedules and revisions thereof filed pursuant to the provisions of this section shall be posted in the office of the committee. The committee shall notify all handlers of all price schedules or revisions thereof, by mail posted at or before the end of the same business day such schedule or revision thereof was received. Such notice shall state the time such price schedule or revisions thereof becomes effective.

(c) *Revision of price schedules.* In the event any handler desires to quote, offer for sale, or sell any variety of raisins at a price or prices lower than those stated in the schedule filed by him with the committee, such handler shall file with the committee a revised schedule of his prices. Such revised schedule shall become effective three business days after its receipt by the committee, unless such handler shall specify a later effective date. If any handler files a revised price schedule, any other handler may file a revised price schedule which shall become effective at the same time as the revised schedule first filed, provided that the price schedule is not lower than the price schedule first filed.

(d) *Manner of filing prices.* The committee shall prescribe a standard form of price schedule on which each handler shall file his minimum selling prices, discounts and all other terms and conditions of sale and such other information deemed necessary by the committee for each variety, grade and type of pack of raisins. Price schedules may be filed or revised by telegram, but shall be confirmed as soon as possible on standard forms signed by the handler. The committee shall cause the exact time and date that any schedule is received to be written on forms prescribed therefor.

(e) *Record requirements for regulation periods.* Each handler shall keep true and accurate records of all sales or offers to sell raisins of any variety during any regulation period for such variety and shall preserve such records and all contracts, documents relating to the negotiation of any sale, and all documents relating to the fulfillment of the obligation, including invoices, shipping records and records of payment, for a period of one year after the termination of the regulation period. Such records shall be kept available for inspection and examination by the committee.

86. Amend § 989.63 by renumbering the present provisions thereof as § 989.63(a) and amending the second sentence thereof to read as follows: "The committee may recommend such percentages separately, for each varietal type, but if the committee determines to recommend such percentages with respect to natural (sun-dried) Thompson Seedless raisins it shall compute such percentages in accordance with the provisions of paragraph (b) of this section."

87. Renumber § 989.63(b) as § 989.63(c).

88. Add a new § 989.63(b) to read as follows:

(b) *Method of computation.*—(1) *Free tonnage percentage.* From the five-year average, including the year immediately prior to the current crop year but exclud-

ing the 1957-58 and 1958-59 crop years, of the free tonnage shipments of natural (sun-dried) Thompson Seedless raisins to Western Hemisphere markets, expressed in natural condition tons, there shall be deducted the "carry-in" tonnage of Thompson Seedless raisins held by handlers on September 1, and the resultant figure shall be divided by the estimated current year's production of such raisins expressed in natural condition tons, as reported by the California Office of the Agricultural Estimates Division, Agricultural Marketing Service, United States Department of Agriculture. The quotient of such division shall be multiplied by 100 and rounded to the nearest whole number to obtain the free tonnage percentage. In computing the aforesaid average of free tonnage shipments, there shall be included shipments to the United States Government and an estimated average of 3,000 tons (natural condition weight) per year for shipments to Western Hemisphere markets other than those in the United States and Canada. For the purpose of this subparagraph, "Western Hemisphere" shall include Greenland and the area east of the International Date Line and west of 30 degrees W. longitude.

(2) *Reserve tonnage percentage.* The reserve tonnage percentage shall be 12½ percent.

(3) *Surplus tonnage percentage.* The surplus tonnage percentage shall be the remainder obtained by subtracting the total of the free tonnage percentage and the reserve tonnage percentage from 100 percent.

89. Renumber § 989.63(c) as § 989.63(d).

90. Amend § 989.66(c) to read as follows:

(c) Each handler shall, at all times, hold in his possession or under his control reserve and surplus tonnage referable to his acquisitions of standard raisins, less any quantity of such reserve and surplus tonnage delivered by him pursuant to instructions of the committee and any quantity of such tonnage sold to him by the committee. Such reserve and surplus tonnage shall be kept separate and apart from free tonnage raisins, and the initial set-aside obligations shall be met promptly, but in no event later than one calendar week subsequent to the effective date of the percentage of such reserve and surplus obligations. No deferment shall be granted unless the handler's failure to meet his obligation is due to fire, civil commotion, force majeure, acts of God, or other conditions beyond the handler's control and not due to his own negligence or failure to purchase the necessary tonnage aggressively. Subsequent set-aside obligations shall be met and stored by handlers not less frequently than weekly.

91. Amend § 989.66(e)(2) by deleting all of the proviso in the first sentence thereof.

92. Amend § 989.66(e)(4)(iii) by deleting in the first sentence thereof the parentheses and all of the parenthetical phrase within such parentheses.

93. Amend the first sentence of § 989.67(b) to read as follows: "(b) Reserve tonnage of any varietal type shall not be sold at a price below that which the committee concludes reflects the average price received by producers for free tonnage of the same varietal type purchased by handlers during the current crop year up to the time of any offer for sale of reserve tonnage by the committee, to which shall be added the sum of \$25.00 per ton, the said sum to include the costs incurred by the committee on account of the receiving, inspecting, storing, insuring and holding of said raisins: *Provided*, That sales of reserve tonnage raisins on or after July 1 for the purpose of augmenting handlers' carryout inventory may be made by the committee at the approximate computed field price for free tonnage raisins of the same varietal type received by producers during the crop year then ending, to which shall be added the costs incurred by the committee on account of the receiving, inspecting, storing, insuring and holding of said raisins: *And Provided further*, That where the outlook for the next crop year or other factors have caused a downward trend in the prices received by the producers for free tonnage raisins or in the prices received by handlers for free tonnage packed raisins, reserve tonnage may be sold to handlers at the currently prevailing or the approximate computed field price for free tonnage raisins, as determined by the committee."

94. Amend the first sentence of § 989.67(c) by changing the date of July 1 in both places where it appears to August 1.

95. Amend § 989.68(d) to read as follows:

(d) Surplus tonnage raisins shall be sold to handlers at prices and in a manner intended to maximize producer returns and achieve complete disposition of such raisins by August 31 of the crop year; therefore, concurrently with its recommendation to the Secretary for a surplus tonnage percentage, other than zero, the committee shall propose to the Secretary an initial offer to sell such surplus tonnage raisins to handlers for export, and an initial offer in conformity with § 989.68 shall be made when the surplus percentage becomes effective. Any such initial offer of surplus tonnage natural (sun-dried) Thompson Seedless raisins shall be not less than one-third of the total surplus tonnage of such raisins for the crop year as computed by applying the surplus tonnage percentage to the estimated year's production of such raisins as reported by the California Office of the Agricultural Estimates Division, Agricultural Marketing Service, United States Department of Agriculture. At the discretion of the committee, any sales by handlers of raisins for export to countries outside the Western Hemisphere made between September 1 of the current crop year and the effective date of the surplus tonnage percentage may be credited against such handler's allocation of surplus tonnage, but the date of ex-

portation of such raisins must not be earlier than the effective date of the surplus tonnage percentage. No offer to sell surplus tonnage raisins to handlers shall be made by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, and price involved in such offer, and the Secretary may disapprove the offer or any term thereof: *Provided*, That at any time prior to the expiration of the five-day period, the offer may be made to handlers upon the committee receiving from the Secretary notice that he does not disapprove the making of the offer.

The following amendments have been proposed by Rosalie Williams, Executive Secretary, Raisin Farmers, Fresno, California:

96. Amend § 989.39 to read as follows:

§ 989.39 Establishment and membership.

A Raisin Administrative Committee is hereby established to administer the terms and provisions of this part. Such committee shall consist of 14 members, of whom all shall be producers of raisin variety grapes. No person acting as a member of the Raisin Administrative Committee, if said agency has the sale or timing of the sale of raisins or by-products from pools held in trust by said Federal Marketing Agreement and Order, which pools have been made up by agricultural commodities contributed by the growers or producers thereof, shall be eligible to vote or act with respect to such sale if he be a handler, processor, buyer, or broker of such agricultural product, or by-product, or an agent of a person, firm or corporation with a buyer's interest therein. Any cooperative association marketing said agricultural product or by-product shall be deemed a handler. For each member of the committee there shall be an alternate member who shall have the same qualifications as the member for whom he is an alternate.

97. Delete all references and provisions relating to "handlers" and "dehydrators" from §§ 989.40 to 989.44.

98. Amend the first sentence of § 989.48 to read as follows: "The members of the committee and the board, and the alternate members shall be allowed a salary of \$100.00 per month and their necessary expenses as approved by the committee."

99. Amend the second sentence of § 989.63(a) to read as follows: "The committee may not recommend such percentages separately, for each varietal type."

100. Add the following new sentence at the end of § 989.63(a): "All producers shall bear their burden of the surplus pool; and all varieties of raisins shall be included in the surplus pool in the same percentage."

101. Renumber § 989.63(a), as proposed to be amended, as § 989.63(a)(1) and add a new § 989.63(a)(2) to read as follows:

(2) In the designation of percentages of free, reserve, and surplus tonnages, the committee shall first ascertain the actual three-year average tonnage sold in the domestic market and Canada preceding the current crop year. The actual amounts needed for the free and reserve tonnages shall be calculated by taking an amount equaling 60 percent of the foregoing average for the free tonnage and 50 percent for the reserve tonnage. These tonnage amounts in comparison with the whole estimated amount of the current crop shall constitute the designated percentages for the free and reserve tonnages. The remaining percentages shall constitute the surplus percentages.

102. Amend § 989.64(b) to read as follows:

(b) The Secretary may not designate separately for each varietal type of standard raisins acquired by handlers in any crop year, the percentages which shall be considered as free tonnage, reserve tonnage, and surplus tonnage, respectively.

103. Amend § 989.66(c) by replacing the colon preceding the word "Provided" with a period and delete all of the remainder of this paragraph (c) commencing with the word "Provided".

104. Renumber § 989.66(c), as proposed to be amended, as § 989.66(c)(1) and add a new § 989.66(c)(2) to read as follows:

(2) The Raisin Administrative Committee shall not loan reserve tonnage and surplus tonnage; and no one shall be permitted to borrow from the reserve and surplus pool tonnages.

105. Delete § 989.67(b) and substitute therefor a new § 989.67(b) to read as follows:

(b) No reserve tonnage shall be sold by the Raisin Administrative Committee below parity price nor below a price that will tend to return to farmers an average price of the free and surplus tonnage which will amount to parity.

The following amendments are proposed by the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture:

106. Add a new § 989.95 to read as follows:

§ 989.95 Right of Secretary.

The members of the board and committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary, in his discretion at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void.

107. Make such other changes in any of the provisions of the marketing agree-

ment and order as may be necessary or appropriate for: (1) Making all provisions conform with any amendments resulting from this hearing; (2) clarifying language of any provision to recognize problems of interpretation or intent arising during the hearing; and (3) rearranging and recodifying such provisions.

Copies of this notice may be obtained from the field offices of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, either at 2082 Center Street, Mercantile Building, Berkeley 4, California or at 3237 Mayfair Boulevard, Fresno 3, California, or at the offices of the Raisin Administrative Committee, 606 East Belmont Avenue, Fresno, California, or from the Hearing Clerk, Room 112A Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Dated: April 5, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-3237; Filed, Apr. 7, 1960;
8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

In re: Notice of filing of petition for issuance of regulation establishing tolerance for free gossypol in cottonseed flour.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is issued:

A petition has been filed by Traders Oil Mill Company, Cincinnati 17, Ohio, proposing the issuance of a regulation to establish a tolerance of not more than 450 parts per million (0.045 percent) by weight of free gossypol in cottonseed

flour that is to be used in nonstandardized foods.

Dated: April 1, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-3215; Filed, Apr. 7, 1960;
8:46 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

In re: Notice of filing of petition for issuance of a regulation providing for the use of certain substances in linings of food containers.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is issued:

A petition has been filed by the Can Manufacturers Institute, Inc., 821 Fifteenth Street NW., Washington 5, D.C., proposing the issuance of a regulation to provide for the use of certain substances in the formulation of organic coatings for food containers coming in direct contact with food, provided that the total addition to the food of any extractables therefrom will not exceed certain designated tolerances.

The substances proposed in this petition have previously been listed as being the subject of extension actions under § 121.87(d), published in the FEDERAL REGISTER of March 17, 1960 (25 F.R. 2204), and include the items on which decision is pending. Because of the length of this list, it is not repeated in this announcement but may be referred to in the referenced FEDERAL REGISTER.

Dated: April 1, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-3216; Filed, Apr. 7, 1960;
8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

In re: Notice of filing of petition for issuance of a regulation establishing a

tolerance for quinine hydrochloride in carbonated beverages.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is issued:

A petition has been filed by Schweppes (U.S.A.), Ltd., 445 Park Avenue, New York 22, New York, proposing the issuance of a regulation to establish a tolerance of 100 parts per million (0.01 percent) of quinine hydrochloride (U.S.P. XV) as a flavoring agent in carbonated beverages.

Dated: April 1, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-3217; Filed, Apr. 7, 1960;
8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Notice of filing of petition for issuance of a regulation permitting the use of sources of radiation to include certain radioactive isotopes producing radiations with energy levels not to exceed 2.2 million electron volts for the purpose of inspection of foods and food packages and for controlling food processes.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is issued:

A petition has been filed by The Industrial Nucleonics Corporation, 650 Ackerman Road, Columbus 14, Ohio, proposing the issuance of a regulation permitting the safe use of sealed sources of radiation from certain radioactive isotopes (Sr^{90} , Cs^{137}) producing radiations with energy levels not to exceed 2.2 million electron volts for the purpose of inspection of foods and food packages and for controlling food processes.

Dated: April 1, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-3214; Filed, Apr. 7, 1960;
8:46 a.m.]

Notices

CIVIL AERONAUTICS BOARD

[Docket 10900]

ALLEGHENY AIRLINES, INC.

Proposed Book-Ticket Fare and No-Reservation Fare; Notice of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that a prehearing conference in the above-entitled proceeding is assigned to be held on April 26, 1960, at 10:00 a.m., e.d.t., in Room 911, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., April 5, 1960.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-3228; Filed, Apr. 7, 1960;
8:49 a.m.]

[Docket 10997]

HAWAIIAN COMMON FARES

Notice of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that a prehearing conference in the above-entitled proceeding is assigned to be held on April 14, 1960, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner Francis W. Brown.

Dated at Washington, D.C., April 4, 1960.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-3229; Filed, Apr. 7, 1960;
8:49 a.m.]

[Docket 10571 etc.]

NORTHERN CONSOLIDATED AIRLINES, INC.

Proposed Fares; Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that the hearing in the above-entitled proceeding will be held April 18, 1960, at 10:00 a.m., e.s.t., in Room 725, Universal Building, 1825 Connecticut Avenue NW., Washington 25, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., April 4, 1960.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-3230; Filed, Apr. 7, 1960;
8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13007, 13008; FCC 60M-593]

AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC., (KABC-FM), AND TRI-COUNTIES PUBLIC SERVICE, INC. (KUDU-FM)

Order Scheduling Prehearing Conference

In re applications of American Broadcasting-Paramount Theatres, Inc. (KABC-FM), Los Angeles, California, Docket No. 13007, File No. BPH-2628; Tri-Counties Public Service, Inc. (KUDU-FM), Ventura-Oxnard, California, Docket No. 13008, File No. BMPH-5438; for construction permits (FM).

Upon the Hearing Examiner's own motion: *It is ordered*, This 4th day of April 1960, that a further prehearing conference in the above-entitled proceeding will be held at the offices of the Commission, Washington, D.C., on April 18, 1960, at 10:00 o'clock a.m.

Released: April 5, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL]

BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3234; Filed, Apr. 7, 1960;
8:49 a.m.]

[Docket Nos. 13448-13452; FCC 60-324]

WTTT, INC. (WTTT) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WTTT, Inc. (WTTT), Arlington, Florida, has 1220 kc, 250 w, Day, req. 1220 kc, 1 kw, Day, Docket No. 13448, File No. BP-12059; Onslow Broadcasting Corporation (WJNC), Jacksonville, North Carolina, has 1240 kc, 250 w, U, req. 1240 kc, 250 w, 1 kw-LS, U, Docket No. 13449, File No. BP-12309; Ponce De Leon Broadcasting Company (WFOY), St. Augustine, Florida, has 1240 kc, 250 w, U, req. 1240 kc, 250 w, 1 kw-LS, U, Docket No. 13450, File No. BP-12322; Indian River Radio, Inc. (WMMB), Melbourne, Florida, has 1240 kc, 250 w, U, req. 1240 kc, 250 w, 1 kw-LS, U, Docket No. 13451, File No. BP-12479; Capitol Broadcasting Company, Incorporated (WRAL), Raleigh, North Carolina, has 1240 kc, 250 w, U, req. 1240 kc, 250 w, 1 kw-LS, U, Docket No. 13452, File No. BP-13130; for standard broadcast construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 30th day of March 1960,

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated December 15, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that after consideration of the foregoing and the applicant's replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of each of the instant applicants and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of WTTT would involve objectionable interference with Stations WALD, Waltherboro, South Carolina; WENC, Whiteville, North Carolina; and WFOY, St. Augustine, Florida, or any other existing standard broadcast sta-

tions, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of WJNC would involve objectionable interference with Stations WISP, Kinston, North Carolina, and WRAL, Raleigh, North Carolina, or any other existing standard broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of WFOY would involve objectionable interference with Stations WJNC, Jacksonville, North Carolina; WTMA, Charleston, South Carolina; WWPF, Palatka, Florida and WWNS, Statesboro, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the instant proposal of WMMB would involve objectionable interference with Stations WINK, Fort Myers, Florida and WJNC, Jacksonville, North Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other service to such areas and populations.

7. To determine whether the instant proposal of WRAL would involve objectionable interference with Station WJNC, Jacksonville, North Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

8. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

9. To determine whether the transmitter site proposed by WTTT, Inc. is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

10. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

11. To determine, in the light of the evidence adduced, pursuant to the fore-

going issues which, if any of the instant applications should be granted.

It is further ordered, That Walterboro Radiocasting Co., Whiteville Broadcasting Co., Diehl Broadcasting Company, George W. Hall, The Atlantic Coast Broadcasting Corporation of Charleston, WWNS, Inc., and Fort Myers Broadcasting Co., licensees of Stations WALD, WENC, WISP, WWPF, WTMA, WWNS and WINK, respectively, are made parties to the proceeding.

It is further ordered, That the following licensees which are applicants in the instant proceeding are made parties with respect to their existing operations: Ponce De Leon Broadcasting Company (WFOY), Capitol Broadcasting Company, Incorporated (WRAL) and Onslow Broadcasting Corporation (WJNC).

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 5, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-3235; Filed, Apr. 7, 1960;
8:50 a.m.]

[FCC 60-327]

VHF "BOOSTERS"

Extension of Grace Period

MARCH 31, 1960.

The Commission extended for 90 days, from March 31, 1960, the period of grace for existing repeaters (boosters) which operate on VHF channels. A current rule making proceeding proposes to permit operation of low power translators in the VHF bands (Docket 12116).

Adopted: March 30, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-3236; Filed, Apr. 7, 1960;
8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP60-31]

HOPE NATURAL GAS CO.

Notice of Application and Date of Hearing

APRIL 4, 1960.

Take notice that Hope Natural Gas Company (Hope) filed on February 9, 1960 in Docket No. CP60-31 an application pursuant to section 7 (b) and (c) of the Natural Gas Act, authorizing it to remove two 500 horsepower compressors from its Bridgeport Compressor Station in Harrison County, West Virginia. These facilities are part of the facilities in the said station used to compress natural gas into and out of the Bridgeport Storage Field to serve the consumers of gas in various cities in West Virginia all as more fully described in the application.

Hope proposes to replace the two 500 horsepower units which were installed in 1912 with a single 1100 horsepower unit of modern design because the older compressors are inefficient and are difficult to keep in repair because of their obsolescence.

The estimated total cost of the removal of these old facilities and their replacement by a new unit is \$255,000, which cost will be financed from funds on hand.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 2, 1960 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 25, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3202; Filed, Apr. 7, 1960;
8:45 a.m.]

[Docket No. RI60-187 etc.]

HUMBLE OIL & REFINING CO. ET AL.**Erratum Notice**

MARCH 30, 1960.

In the matter of Humble Oil & Refining Company, Docket No. RI60-187; MWJ Producing Company (Operator), et al., Docket No. RI60-188; American Petrofina Company of Texas, Docket Nos. G-9680, RI60-189; Ethel W. Bird, et al., Docket No. G-RI60-190; Edwin L. Cox, Docket No. RI60-191; Edwin L. Cox (Operator), et al., Docket No. RI60-192; Continental Oil Company, Docket No. RI60-193; Continental Oil Company (Operator), et al., Docket No. RI60-194; Socony Mobil Oil Company, Inc. (Operator), et al., Docket No. G-20406; Socony Mobil Oil Company, Inc., Docket No. G-20407.

In the Order Permitting Superseding Rate Filings And Providing For Suspension Of And Hearing On Proposed Changes In Rates, issued March 18, 1960 and published in the FEDERAL REGISTER on March 25, 1960 (25 F.R. 2559): In Footnote 2 change the words "or thirty days" to read "or the first day".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3203; Filed, Apr. 7, 1960;
8:45 a.m.]

[Docket Nos. G-9291, etc.]

SINCLAIR OIL & GAS CO. ET AL.**Order Permitting Increased Rates To Remain in Effect and Severing and Terminating Proceedings**

APRIL 1, 1960.

In the matter of Sinclair Oil & Gas Company, Docket Nos. G-9291, et al.; Sinclair Oil & Gas Company, Docket Nos. G-13981 and G-15030; Sinclair Oil & Gas Company, et al., Docket Nos. G-14105 and G-15172.

By order issued December 23, 1957, in Docket No. G-13981, the Commission suspended Supplement No. 14 to Sinclair Oil & Gas Company's (Sinclair's) FPC Gas Rate Schedule No. 8 and Supplement No. 1 to Sinclair's FPC Gas Rate Schedule No. 83, until June 1, 1958. By orders issued December 24, 1957, in Docket No. G-14105, and May 28, 1958, in Docket No. G-15172, the Commission suspended Supplement No. 1 to Sinclair's FPC Gas Rate Schedule No. 71, and Supplement No. 4 to its FPC Gas Rate Schedule No. 65, until June 1, 1958, and October 30, 1958, respectively. Each of the foregoing supplements provided for an increased rate of 10.5 cents per Mcf for sales of natural gas to El Paso Natural Gas Company (El Paso) from fields in Lea County, New Mexico. By appropriate Commission orders each supplement was made effective, subject to refund, on June 1, 1958, except Supplement No. 4 to Sinclair's FPC Gas Rate Schedule No. 65, which became effective, subject to refund, on October 30, 1958.

By order issued May 6, 1958, in Docket No. G-15030, Supplement No. 1 to Sinclair's FPC Gas Rate Schedule No. 145 was suspended until October 10, 1958, when it became effective subject to refund. The foregoing supplement provided for an increased rate of 10.5 cents per Mcf for sales of natural gas to El Paso from the Keystone Ellenburger Field, Winkler County, Texas.

By motions filed January 13, 1960, in Docket No. G-15030, and January 22, 1960, in Docket Nos. G-13981, G-14105, and G-15172, Sinclair requested termination of each of the proceedings and discharge from its refund obligations thereunder, alleging that increased rate filings of other independent producers in the areas involved have been accepted without suspension or similar suspension proceedings terminated, and that these filings involved the same or a higher price level than that proposed by Sinclair in these proceedings.

El Paso has filed petitions to intervene in Docket Nos. G-13981, G-14105, G-15030 and G-15172, and intervention has been granted in Docket No. G-15172. Neither El Paso or any other person has protested Sinclair's motions.

By order issued April 15, 1958, the proceedings in Docket Nos. G-13981 and G-14105, inter alia, were consolidated with the proceedings in Docket Nos. G-9291, et al.

The Commission finds:

(1) The proceeding in Docket Nos. G-13981 and G-14105 should be severed from the consolidated proceedings in Docket Nos. G-9291, et al.

(2) Good cause exists for continuing in effect without obligation to refund, the rates prescribed under Supplement Nos. 14, 1, 1, 4, and 1 to Sinclair's FPC Gas Rate Schedules Nos. 8, 83, 71, 65, and 145, respectively, to discharge Sinclair from its obligation to make refunds under such supplements and to terminate the proceedings.

The Commission orders:

(A) The proceedings in Docket Nos. G-13981 and G-14105 are hereby severed from the consolidated proceedings in Docket Nos. G-9291, et al.

(B) The rates and charges set forth in Supplement Nos. 14, 1, 1, 4 and 1 to Sinclair's FPC Gas Rate Schedule Nos. 8, 83, 71, 65, and 145, respectively, are hereby continued in effect without obligation to refund, and Sinclair is hereby discharged from its obligation to make refunds under such supplements.

(C) The proceedings in Docket Nos. G-13981, G-14105, G-15030 and G-15172 are hereby terminated.

(D) This order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Sinclair Oil & Gas Company.

By the Commission (Commissioner Connoles dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3207; Filed, Apr. 7, 1960;
8:45 a.m.]

[Docket No. G-18464, etc.]

HUNT OIL CO. ET AL.**Errata Notice**

MARCH 30, 1960.

In the matter of Hunt Oil Company, Docket Nos. G-18464 and G-18555; H. L. Hunt, Docket No. G-18554; Estate of Lyda Bunker Hunt, Docket No. G-18556; N. B. Hunt, Docket No. G-18557; Secure Trusts, Docket No. G-18558; Lamar Hunt, Docket No. G-18847; W. H. Hunt, Docket No. G-18848.

In the Order Permitting Superseding Supplements To Be Substituted For Suspended Supplements; Providing For Hearing For Change In Rates Contained In Superseding Supplements, issued March 18, 1960 and published in the FEDERAL REGISTER on March 25, 1960 (25 F.R. 2562): At bottom of page, in the extreme left, the first paragraph after the chart and in Finding paragraph (3) change "Docket No. G-20335" to read "G-20535".

Also in Ordering paragraph (A), strike "G-20531, G-20527, G-20335, G-20533, G-20536, G-20528 and G-20534" and insert "G-18464, G-18554, G-18555, G-18556, G-18557, G-18558, G-18847 and G-18848".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3204; Filed, Apr. 7, 1960;
8:45 a.m.]

[Project No. 1971]

IDAHO POWER CO.**Notice of Application for Amendment of License**

APRIL 1, 1960.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Idaho Power Company, licensee for Project No. 1971, for amendment of license requesting approval of revised Exhibits L and M submitted pursuant to Article 29 of the license showing proposed changes in the general construction plans for the Low Hells Canyon hydroelectric development, consisting principally of a concrete gravity type dam; increasing the normal water surface elevation from 1683 feet to 1688 feet with no change in the project boundary of the pond; and an initial installation of four (4) generating units, each rated as 85,000 kilowatts in the Hells Canyon powerhouse with provisions for a future unit.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is May 31, 1960. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3205; Filed, Apr. 7, 1960;
8:45 a.m.]

[Docket No. G-15385 etc.]

OHIO OIL CO. ET AL.**Notice of Postponement of Hearing**

MARCH 30, 1960.

In the matter of The Ohio Oil Company, Operator, et al., Docket No. G-15385; Southwest Natural Production Company, Docket Nos. G-15460 and G-19112; James R. Nowery and B. M. Nowery, Jr., Docket No. G-16190; Norman V. Kinsey, Jr., et al., Docket No. G-16278; L. L. Robinson, et al., Docket No. G-16457; Hunt Oil Company, Docket No. G-16737; Hassie Hunt Trust, Docket No. G-16763; Pan American Petroleum Corporation, Docket No. G-17028; Monsanto Chemical Company, Docket No. G-17519; The Atlantic Refining Company, Docket No. G-18572; T. L. James & Company, Inc., Docket No. G-19408; Jack W. Grisby, Operator, et al., Docket No. G-19705; Robert F. Roberts, Docket No. G-19810.

Upon consideration of the motion filed March 23, 1960 by Counsel for The Ohio Oil Company, Operator, et al., and others for continuance of the hearing now scheduled for April 11, 1960 in the above-designated matters;

The hearing now scheduled for April 11, 1960, is hereby postponed to June 13, 1960, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3206; Filed, Apr. 7, 1960;
8:45 a.m.]

[Docket No. G-19096]

**TRANSCONTINENTAL GAS PIPE LINE
CORP. AND EASTERN SHORE NATURAL GAS CO.**

**Notice of Application and Date of
Hearing**

APRIL 4, 1960.

Take notice that on July 29, 1959, Transcontinental Gas Pipe Line Corporation (Transco), and Eastern Shore Natural Gas Company (Eastern Shore) filed a joint application in Docket No. G-19096, as supplemented on September 1, 1959, pursuant to section 7 of the Natural Gas Act, for certificates of public convenience and necessity authorizing Transco to deliver to Eastern Shore an additional firm long-term daily volume of 2,600 Mcf under its rate schedule CD-3 and also authorizing Eastern Shore to construct and operate an additional meter station and to deliver up to 4,600 Mcf per day of natural gas, on a firm basis, directly to Stauffer Chemical Company (Stauffer). Deliveries to Stauffer are to commence about October 1960, when its new plant is expected to commence operations.

Transco was authorized in Docket No. G-12059 to sell a daily firm volume of 8,650 Mcf of natural gas to Eastern Shore and in Docket No. G-16603 to supply an additional daily firm volume of 480 Mcf to Eastern Shore under its FPC Gas Rate Schedule CD-3. By letter dated June 9, 1959, Eastern Shore

agreed to buy from Transco an additional daily volume of 2,600 Mcf (for the service proposed herein), which would bring Eastern Shore's total 1960 daily firm allocation to 11,730 Mcf.

Of the 8,650 Mcf per day allocation to Eastern Shore authorized on November 29, 1957, the volume of 5,000 is a direct firm sale by Eastern Shore to Tidewater Oil Company (Tidewater). Eastern Shore states that since this authorization, there have been cut-backs in imports of foreign oil by Tidewater. Such cut-backs have reduced substantially Tidewater's daily firm purchases. In a letter dated July 9, 1959, Tidewater has agreed to release permanently 2,000 Mcf per day of its peak-day contract demand of 5,000 Mcf as soon as Eastern Shore begins deliveries to Stauffer. The 2,000 Mcf per day from this source and the 2,600 Mcf per day additional allocation from Transco proposed herein, will constitute the 4,600 Mcf per day which Eastern Shore is proposing to supply to Stauffer as of October 1960. Eastern Shore requests the Commission to reduce the authorized volume to Tidewater from 5,000 to 3,000 Mcf per day.

Upon completion of Transco's proposed "1959 Construction" program in Docket No. G-16603, Transco will have adequate capacity to provide the additional volume to Eastern Shore and still meet all outstanding requests for gas from various interveners and from existing customers in said designated proceeding for the 1959-1960 winter. By order issued in Docket No. G-16603 on November 17, 1959, the aforementioned construction of facilities and the operation thereof was authorized.

In a precedent agreement between Eastern Shore and Stauffer, dated August 26, 1959, Stauffer proposes to buy from Eastern Shore on a firm basis the maximum daily volume of 4,600 Mcf of natural gas as of October 1960. The application recites that the gas will be used as a raw material in a chemical plant which will be erected adjacent to Tidewater Oil Company's refinery near Delaware City, Delaware, from which other raw materials will be procured for the new plant. The letter states that, with the exception of the three weeks each year during which the chemical plant will be shut down for maintenance, the natural gas taken will be at approximately 95 percent load factor and will be purchased under a twenty-year contract at a price of 48 cents per Mcf which provides for a minimum monthly bill of \$40,000.

It is proposed that Stauffer will furnish Eastern Shore with a site for its meter station, which will be on Eastern Shore's 6-inch line and therefore would eliminate the necessity of constructing any lateral. The only facility needed by Eastern Shore is the meter station.

The estimated over-all capital cost of Eastern Shore's proposed facilities is \$3,602, which is to be financed from funds on hand.

Transco and Eastern Shore were granted temporary authorization to render the service proposed on October 16, 1959.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 5, 1960 at 9:30 a.m., e.d.s.t. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transco or Eastern Shore to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 22, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3209; Filed, Apr. 7, 1960;
8:46 a.m.]

[Docket No. DA-975-California]

WILLIAM H. LEHMAN

**Finding of Commission and Partial
Vacation of Withdrawals**

APRIL 1, 1960.

In the matter of land withdrawn in Power Site Reserve No. 453 and Projects Nos. 2176 and 2193; Docket No. DA-975-California, William H. Lehman.

An application was filed by William H. Lehman, of Sacramento, California, for release of the following-described land from power withdrawal:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 12 N., R. 9 E.,
Sec. 34, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The above-described land, which ranges in elevation from 960 feet to 1400 feet, is located about one-eighth mile from Greenwood Creek—about halfway up the side of the creek canyon—a short distance from the confluence of Greenwood Creek and the South Fork American River, and about five miles northwest of the town of Coloma, California.

The land is withdrawn in Power Site Reserve No. 453, dated September 5, 1914, and in a First Form Reclamation Withdrawal dated August 18, 1942, and is also reserved, among other lands, pursuant to the filing on December 27, 1954, and on August 23, 1955, respectively, of applications for preliminary permits for proposed Projects Nos. 2176 and 2193, the

withdrawal of which applications became effective on October 26, 1959.

The power value of the land lies in its possible use for flowage purposes. However, the development of any reservoir resulting in the flooding of the land appears to be remote.

The Commission finds:

(1) The existing power withdrawals pertaining to said land serve no useful purpose.

(2) It has no objection to the revocation by the Secretary of the Interior of Power Site Reserve No. 453 insofar as it pertains to said land.

(3) Vacation of the existing power withdrawals pertaining to said land under section 24 of the Federal Power Act pursuant to the filing of the applications for preliminary permits for proposed Projects Nos. 2176 and 2193 is in the public interest.

The Commission orders: The existing power withdrawals pertaining to the above-described land under section 24 of the Federal Power Act pursuant to the filing of the applications for preliminary permits for proposed Projects Nos. 2176 and 2193 are vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3210; Filed, Apr. 7, 1960;
8:46 a.m.]

[Docket No. RI60-180, etc.]

TEXACO, INC., ET AL.

Erratum Notice

MARCH 30, 1960.

In the matter of Texaco Inc., Docket No. RI60-180; American Petrofina Company of Texas, Docket No. RI60-181; Midwest Oil Corporation (Operator), et al, Docket No. RI60-182; Texaco Inc. (Operator), et al, Docket No. RI60-183; Gulf Oil Corporation, Docket No. RI60-184; Sun Oil Company, Docket No. RI60-185; Humble Oil & Refining Company, Docket No. RI60-186.

In the Order Providing For Hearing On And Suspension Of Proposed Changes In Rates, issued March 16, 1960 and published in the FEDERAL REGISTER on March 24, 1960 (25 F.R. 2500) in Footnote 2 change the words "or thirty days" to read "or the first day".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3208; Filed, Apr. 7, 1960;
8:46 a.m.]

[Docket No. E-6931]

INTERSTATE POWER CO.

Notice of Application

APRIL 5, 1960.

Take notice that on March 22, 1960, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Interstate Power Company ("Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of Illinois, Iowa, Min-

nesota and South Dakota, with its principal business office at Dubuque, Iowa, seeking an order authorizing the issuance of unsecured promissory notes not exceeding \$6,500,000 in principal amount. Applicant proposes to issue \$1,000,000 of the aforesaid notes to the following Minnesota and Iowa banks:

	Principal amount of note
The First National Bank of Albert Lea, Albert Lea, Minn.....	\$35,000
Freeborn National Bank of Albert Lea, Albert Lea, Minn.....	35,000
The City National Bank of Clinton, Clinton, Iowa.....	115,000
Clinton National Bank, Clinton, Iowa.....	25,000
American Trust and Savings Bank, Dubuque, Iowa.....	295,000
The First National Bank, Dubuque, Iowa.....	125,000
Dubuque Bank & Trust Co., Dubuque, Iowa.....	100,000
The First National Bank of Mason City, Mason City, Iowa.....	125,000
United Home Bank & Trust Co., Mason City, Iowa.....	145,000
Total	1,000,000

The aforesaid bank borrowings from the Minnesota and Iowa banks will be evidenced by notes to be dated June 10, 1960, expressed to mature May 31, 1961. Applicant further proposes that additional notes not exceeding \$5,500,000 in principal amount will be issued and sold from time to time at any time up to and including December 31, 1960, in accordance with an agreement dated March 16, 1960, between Applicant and the Chase Manhattan Bank and Manufacturers Trust Company. It is proposed under said agreement that notes will be issued to Chase and Manufacturers in equal amounts, not to exceed \$2,750,000 to each of said banks, and in total \$5,500,000. The rate of interest of the entire \$6,500,000 will be the prime commercial rate of interest of the Chase Manhattan Bank for unsecured borrowing prevailing three business days prior to the date of each borrowing. Interest will be payable on the last days of March, June, September and December in each year. The notes to the Chase Manhattan Bank and Manufacturers Trust Company are to be dated the dates of their respective deliveries and will mature 360 days from the date of the first borrowing or May 31, 1961, whichever date shall be earlier. In addition to interest, Applicant proposes to pay to the Chase Manhattan Bank and Manufacturers Trust Company a commitment fee equal to ¼ of 1 percent per annum on the daily average of the unused credit under the aforesaid credit agreement. Funds received from the bank loans of \$6,500,000, together with other funds, will be used to carry out Applicant's 1960 construction program.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 25th day of April 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application

is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3232; Filed, Apr. 7, 1960;
8:49 a.m.]

[Docket Nos. RI60-178 etc.]

SOCONY MOBIL OIL CO., INC., ET AL.

Erratum Notice

APRIL 4, 1960.

In the Order Providing For Hearings On And Suspension Of Proposed Changes In Rate, issued March 9, 1960 and published in the FEDERAL REGISTER on March 15, 1960 (25 F.R. 2143): After "By the Commission." strike "Supplement No. 14 to Shell Oil Company's FPC Gas Rate Schedule No. 5 in Docket No. RI60-173." and insert "Docket No. RI60-175."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3233; Filed, Apr. 7, 1960;
8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3874]

ARKANSAS POWER & LIGHT CO. AND MIDDLE SOUTH UTILITIES, INC.

Notice of Proposed Intrasystem Issuance, Sale, and Acquisition of Common Stock

APRIL 1, 1960.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and Arkansas Power & Light Company ("Arkansas"), one of its public-utility subsidiaries, have filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(b), 9(a), 10, and 12(f) of the Act and Rules 43 and 50(a)(3) thereunder as applicable to the proposed transactions which are summarized as follows:

Arkansas proposes to issue and sell and Middle South, which owns all of Arkansas' outstanding shares of common stock, proposes to purchase 600,000 additional shares of Arkansas' \$12.50 par value Common Stock for cash in the amount of \$7,500,000. Middle South proposes to obtain the funds with which to make such additional investment in Arkansas out of cash derived from the proceeds of a proposed Common Stock offering (File No. 70-3871; Holding Company Act Release No. 14197). Arkansas proposes to use the proceeds from the sale of its Common Stock to reimburse its treasury for expenditures made for its current construction program, for the furtherance of such construction program, and for general corporate purposes.

The joint application-declaration states that no special or separable expenses of any kind are anticipated by

either Arkansas or Middle South in connection with the proposed transactions, except the expense for Federal issuance taxes in the amount of \$7,500 and payable by Arkansas. The joint application-declaration states that the Arkansas Public Service Commission has jurisdiction and that the Tennessee Public Service Commission asserts jurisdiction over the proposed issuance and sale of common stock. A copy of the order of each of these Commissions expressly authorizing this transaction will be supplied by amendment. The joint application-declaration further states that the Missouri Public Service Commission has declined jurisdiction of the transactions proposed by Arkansas and that no State commission or regulatory body, other than the two named above, and no Federal commission or regulatory body, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 19, 1960, at 5:30 p.m., request in writing that a hearing be held on the matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 60-3213; Filed, Apr. 7, 1960;
8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-10]

COMMONWEALTH EDISON CO.

Order Designating Date of Hearing

On March 24, 1960, Commonwealth Edison Company, Chicago, Illinois, (Edison) informed the Staff and the Presiding Officer that it expected to file on or about April 28, 1960, its report of the tests undertaken prior to and the operation at the 315 megawatt, or 50 percent of rated power level, of its Dresden boiling water reactor, which was the subject of Order issued herein on November 12, 1959.

The aforesaid Order provided that Edison should file such a report, and that if no objections thereto were filed within 5 days after the filing of such report, and if no good cause were shown to the contrary at a hearing held on the

6th day following the filing of such report, an operating license would issue for the full power operation described in the application and amendments thereto filed by Edison.

The Presiding Officer finds:

1. Adequate and public notice should be given of the intended filing of the interim test data and 315 megawatt or 50 percent of rated power level report of the Dresden reactor operations of Edison, and that if objections thereto are not filed, a public hearing should be held on the 6th day following the filing of such report to consider the presence, or absence, of good cause respecting the granting of an operating license for the full power level of the Dresden reactor as requested by Edison in its application and amendments thereto.

2. It appears that if objections are filed to the proposed report intended to be filed by Edison, a later date and time for consideration of all such matters can be designated, at the date of hearing herein ordered.

The Presiding Officer orders:

A. A hearing in this proceeding shall be convened at 10:30 a.m., e.d.s.t., in the Auditorium of the Headquarters of the Atomic Energy Commission, Germantown, Maryland, on May 4, 1960, to consider the proposed report intended to be filed by Commonwealth Edison Company, Chicago, Illinois, concerning the tests undertaken and concerning the 315 megawatt or 50 percent of rated power level operation of its Dresden reactor, and for such other matters related to the report, objections, if any, or any comments and evidence respecting the report as may be presented at such hearing.

B. This case will convene on May 4, 1960, as herein ordered, and if by that time it is recorded that Edison's report was filed on April 28, 1960, the proceeding will consider all aspects of the report; as herein provided, if, however, on May 4, 1960, it is known that the report was filed later than April 28, 1960, then thereafter this case will be recessed to such date as will conform to a schedule as provided in the November 12, 1959 Order herein, for a hearing on the 6th day, Saturdays, Sundays and holidays excepted, after the filing of the designated report of the Dresden reactor tests and operation.

Issued: April 1, 1960, Germantown, Md.

SAMUEL W. JENSCH,
Presiding Officer.

[F.R. Doc. 60-3195; Filed, Apr. 7, 1960;
8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

VERN I. MCCARTHY, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken

place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of March 14, 1960.

Dated: March 28, 1960.

VERN I. MCCARTHY, JR.

[F.R. Doc. 60-3226; Filed, Apr. 7, 1960;
8:49 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING DIRECTOR, COMMUNITY DISPOSITION PROGRAM

Designation

The Assistant Director, Community Disposition Program, is hereby designated to act in the place and stead of the Director, Community Disposition Program, with the title of "Acting Director, Community Disposition Program" and with all the powers, functions, and duties delegated or assigned to the Director, in the event the Director is unable to act by reason of his absence, illness, or other cause.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 8th day of April 1960.

[SEAL] NORMAN P. MASON,
Housing and Home Finance,
Administrator.

[F.R. Doc. 60-3220; Filed, Apr. 7, 1960;
8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 5, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36129: Lime, pebble—Ala., Tenn., Va., to Doe Run and Louisville, Ky. Filed by O. W. South, Jr., Agent (SFA No. A3929), for interested rail carriers. Rates on lime, pebble, in carloads from specified points in Alabama, Virginia and Tennessee to Doe Run and Louisville, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 128 to Southern Freight Association tariff I.C.C. 1345.

FSA No. 36130: T.O.F.C. Service—Between official and western territories.

Filed by Western Trunk Line Committee, Agent (No. A-2121), for interested carriers. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between specified points in Pennsylvania and Springfield, Vt., on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Supplement 27 to Western Trunk Line Committee tariff I.C.C. A4281.

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 60-3221; Filed, Apr. 7, 1960;
8:48 a.m.]

[Notice 293]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 5, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered

proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62964. By order of April 4, 1960, Division 4 approved the transfer to Janesville Auto Transport Company, a corporation, Janesville, Wis., of Permit No. MC 18135, issued May 21, 1956, to W. R. Arthur & Co., Inc., Janesville, Wis., authorizing the transportation of: Automobiles, trucks, chassis and buses, in initial movements, in truckaway and driveaway service, from Janesville, Wis., to points in Illinois, Indiana, Iowa, the Upper Peninsula of Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin; tractors (not including farm tractors and crawler or track type tractors), in initial movements, in truckaway and driveaway service, from Janesville, Wis., to points in Montana, Nebraska, North Dakota, and South Dakota; automobiles, trucks, tractors (not including farm tractors and crawler or track type tractors), chassis, and buses, in secondary movements, in truckaway, and driveaway service, between points in Illinois, Indiana, Iowa, the Upper Peninsula of Michigan, Minnesota, Missouri, Mon-

tana, Nebraska, North Dakota, South Dakota, and Wisconsin; unfinished automobiles, trucks, and chassis, in initial movements, in truckaway and driveaway service, from Janesville, Wis., to points in the Upper Peninsula of Michigan, Minnesota, Missouri, and Wisconsin; unfinished automobiles, trucks, and chassis, in secondary movements, in truckaway and driveaway service, between points in Illinois, Indiana, Iowa, the Upper Peninsula of Michigan, Minnesota, Missouri, and Wisconsin; automobile parts, from Janesville, Wis., to points in Illinois, Indiana, and Iowa; and vehicle bodies, automobile parts when accompanying vehicles with which to be used, and automobile show paraphernalia and displays (except display vehicles), between points in Illinois, Indiana, Iowa, the Upper Peninsula of Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin. Division 4 also approved the substitution of Janesville Auto Transport Company in lieu of W. R. Arthur & Co., Inc., as applicant in Docket No. MC 18135 Sub 28, pending before the Commission. Glenn W. Stephens, 121 West Doty Street, Madison, Wis., for applicants.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 60-3222; Filed, Apr. 7, 1960;
8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during April.

	Page		Page		Page
3 CFR		14 CFR—Continued		29 CFR	
PROCLAMATIONS:		600----- 2794, 2883-2885, 3022, 3023		11----- 3025	
3341----- 2831		601----- 2794, 2884-2886, 3022, 3023		1401----- 2891	
3342----- 2943		602----- 2795, 2886		32 CFR	
EXECUTIVE ORDERS:		609----- 2765		1712----- 2956	
July 2, 1910----- 3007		PROPOSED RULES:		33 CFR	
Feb. 14, 1917----- 2840		507----- 2804, 2860, 2906		19----- 2756	
5 CFR		600----- 2805-2807, 3003		203----- 2956	
6----- 2755, 2832		601----- 2805-2808		270----- 2797	
20----- 2833		16 CFR		35 CFR	
89----- 2823		13----- 2795, 2833-		4----- 2799	
325----- 2877		2835, 2887-2889, 2951-2953, 3024		38 CFR	
6 CFR		14----- 2835		3----- 2957	
331----- 2877		135----- 2835		41 CFR	
384----- 2878		151----- 2836		PROPOSED RULES:	
434----- 2785		204----- 2836		50-202----- 2804	
7 CFR		PROPOSED RULES:		42 CFR	
51----- 2878		152----- 2908		PROPOSED RULES:	
719----- 2880		19 CFR		1----- 2905	
728----- 2881, 2882		3----- 2890		43 CFR	
730----- 3021		8----- 2795		188----- 2797	
922----- 3021		10----- 2837		193----- 2797	
933----- 2755, 2788		11----- 2795		195----- 2797	
953----- 2789		25----- 2796		196----- 2797	
970----- 2944		20 CFR		198----- 2797	
1024----- 2789		237----- 2890		199----- 2797	
PROPOSED RULES:		255----- 2890		200----- 2797	
912----- 2842		21 CFR		PUBLIC LAND ORDERS:	
944----- 2842		9----- 2796		648----- 2841	
947----- 2842		120----- 2836		2073----- 2840	
951----- 2993		121----- 2836, 3024		2074----- 2841	
961----- 2769		PROPOSED RULES:		2075----- 2841	
966----- 2859		120----- 2804		46 CFR	
989----- 3037		121----- 2774, 2860, 3046		154----- 2756	
993----- 2996		24 CFR		171----- 2892	
1010----- 2769		241----- 3025		309----- 3026	
1025----- 2899		25 CFR		47 CFR	
9 CFR		184----- 2803		3----- 2893	
78----- 2883		26 (1954) CFR		PROPOSED RULES:	
PROPOSED RULES:		48----- 2837		3----- 2906, 3003, 3004	
201----- 2803		303----- 2953		31----- 2908	
10 CFR		PROPOSED RULES:		49 CFR	
140----- 2944, 2948		182----- 2973		143----- 2893	
PROPOSED RULES:		194----- 2958		165a----- 3030	
140----- 2999		201----- 2973		187----- 3031	
12 CFR		216----- 2973		189----- 3031	
563----- 2832		220----- 2973		50 CFR	
13 CFR		221----- 2973		151----- 2893	
PROPOSED RULES:		225----- 2973		301----- 2894	
107----- 2860		240----- 2973		PROPOSED RULES:	
14 CFR		245----- 2973		6----- 3037	
241----- 2757		252----- 2973			
375----- 2790		253----- 2973			
507----- 2765		302----- 2800			